

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

TERRI HENLEY

November 15, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	3:16-CV-02510
)	
WESTROCK SERVICES, INC.,)	
)	
Defendant.)	

DEPOSITION OF

TERRI HENLEY

Taken on Behalf of the Plaintiff

November 15, 2017

Commencing at 11:20 a.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

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MARKED EXHIBITS
(Continued)
Exhibit Description Page
No. 22 2133 - Investigation - 8/26/16 Interview with Tommy Whited
Bates WestRock 000234-0238
No. 22
8/27/16 McGraw/Pedine/Bell Subject: Cooley e-mail chain
Bates WestRock 000239
No. 24 8/30/16 Whited Separation Notice
Bates WestRock 000246
No. 24
8/8/16-8/23/16 E-mail chain Subject: Speak Up! #1327 - General Manager
Bates WestRock 000199-0205
No. 26 8/8/16-8/9/16 E-mail chain Subject: Speak Up! #1327 - General Manager
Bates WestRock 000206-0207
No. 27 8/12/16, 8/15/16, 8/17/16, 8/18/16 Henley notes e-mails Subject: Exit Interview with Johanna Bates
WestRock 000208-0214
No. 28 8/29/16 McGraw/Pedine/Henley e-mail chain
Bates WestRock 000242

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I N D E X
INDEX OF EXAMINATIONS
Page
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Examination By Ms. Dohner Smith
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No. 15 10/31/13 Global Compliance Alertline System Report No. RTC-13-10-0031
Bates WestRock 000193-0196
No. 16 8/17/16 Henley e-mail to McGraw Subject: 2133 - Investigation Report - August 2016
Bates WestRock 000218-0223
No. 17 8/18/16 Henley e-mail to McGraw Subject: Investigation
Bates WestRock 000224
No. 18 Henley notes "Follow up on four alleged witnesses-Names provided by Michael Kulakowski"
Bates WestRock 000225
No. 19 WestRock Investigation Summary
Bates WestRock 000226-0229
No. 19
No. 20 8/26/16 Henley/McGraw e-mail chain Subject: Questions
Bates WestRock 000230
No. 21 8/26/16 Meeting notes "August 26, 2016-MK-2:10pm"
Bates WestRock 000231-0233

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PREVIOUSLY MARKED EXHIBITS
PRESENTED TO WITNESS
Exhibit Description Page
No. 4 2011 RockTenn Employee Handbook
No. 4
No. 8 8/16/16 1:45 p.m. 2133 Investigation transcript
Bates WestRock 000215-0217
No. 9 Handwritten notes
No. 14 8/29/16 Henley e-mail to McGraw Subject: 2133-Interview
Questions-8.26.16; 8/29/16 Henley e-mail to McGraw Subject: Interview with Tracie-August 29, 2016 Bates
WestRock 000240-0241

<p>1 The deposition of TERRI HENLEY was</p> <p>2 taken on behalf of the Plaintiff on November 15,</p> <p>3 2017, in the offices of Bone, McAllester & Norton,</p> <p>4 131 Saundersville Road, Suite 130, Hendersonville,</p> <p>5 Tennessee, for all purposes under the Federal Rules</p> <p>6 of Civil Procedure.</p> <p>7 The formalities as to notice, caption,</p> <p>8 certificate, et cetera, are waived. All objections,</p> <p>9 except as to the form of the questions, are reserved</p> <p>10 to the hearing.</p> <p>11 It is agreed that Jerri L. Porter,</p> <p>12 being a Notary Public and Court Reporter for the</p> <p>13 State of Tennessee, may swear the witness, and that</p> <p>14 the reading and signing of the completed deposition</p> <p>15 by the witness are reserved.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 6</p> <p>1 Q What is your job title?</p> <p>2 A Business unit HR manager.</p> <p>3 Q Have you been in that role since April of</p> <p>4 2012?</p> <p>5 A No, ma'am.</p> <p>6 Q Okay. How long have you been business unit</p> <p>7 HR manager?</p> <p>8 A November of 2014.</p> <p>9 Q What was your job before that?</p> <p>10 A Senior HR rep.</p> <p>11 Q What is the difference between a business</p> <p>12 unit HR manager and a senior HR rep?</p> <p>13 A When I was promoted to the BU HR manager, I</p> <p>14 took on additional facilities, and also took on</p> <p>15 salary employees.</p> <p>16 Q As the senior HR rep, were you just at the</p> <p>17 Lewisburg plant?</p> <p>18 A No, ma'am.</p> <p>19 Q Which plant were you at?</p> <p>20 A I was at Lewisburg and I had Chattanooga.</p> <p>21 Q But you were still based out of the</p> <p>22 Lewisburg plant?</p> <p>23 A Yes, ma'am.</p> <p>24 Q How many facilities are you over as the</p> <p>25 business unit HR manager?</p> <p>Page 8</p>
<p>Page 7</p> <p>1 TERRI HENLEY</p> <p>2 was called as a witness, and after having been first</p> <p>3 duly sworn, testified as follows:</p> <p>4 E X A M I N A T I O N</p> <p>5 BY MS. COLLINS:</p> <p>6 Q Could you state your complete name for the</p> <p>7 record?</p> <p>8 A It's Terri Henley, T-e-r-r-i, H-e-n-l-e-y.</p> <p>9 Q Ms. Henley, what is your address?</p> <p>10 A 320 Arnold Road, Shelbyville, Tennessee.</p> <p>11 Q What is that zip?</p> <p>12 A 37160.</p> <p>13 Q And what is your phone number?</p> <p>14 A (931)492-3172.</p> <p>15 Q Is that a mobile or home?</p> <p>16 A That is my mobile.</p> <p>17 Q Okay. Where do you currently work?</p> <p>18 A WestRock.</p> <p>19 Q Which -- well, are you based out of a</p> <p>20 particular facility?</p> <p>21 A I have a home plant that is Lewisburg,</p> <p>22 Tennessee.</p> <p>23 Q How long have you been based out of the</p> <p>24 Lewisburg plant?</p> <p>25 A April of 2012.</p>	<p>Page 9</p> <p>1 A Four.</p> <p>2 Q Which four?</p> <p>3 A Chattanooga, Gallatin, Lewisburg,</p> <p>4 Murfreesboro.</p> <p>5 Q Do you have anyone that reports to you?</p> <p>6 A No, ma'am.</p> <p>7 Q Who is your manager?</p> <p>8 A Regina Wimbley.</p> <p>9 Q How long has Regina been your manager?</p> <p>10 A I don't know the exact date.</p> <p>11 Q Who was your manager before Regina?</p> <p>12 A Melinda McGraw.</p> <p>13 Q Ms. McGraw was your manager in 2016, right?</p> <p>14 A Yes.</p> <p>15 Q Was she your manager in 2015?</p> <p>16 A Yes.</p> <p>17 Q What about 2014?</p> <p>18 A Yes.</p> <p>19 Q Okay. So, Ms. Wimbley probably became your</p> <p>20 manager sometime 2017?</p> <p>21 A Yes.</p> <p>22 Q When Ms. McGraw was your manager, where was</p> <p>23 she based?</p> <p>24 A Humboldt, Tennessee.</p> <p>25 Q What was her job title?</p>

<p style="text-align: right;">Page 10</p> <p>1 A Area HR manager.</p> <p>2 Q Okay. So I'm gathering that the WestRock</p> <p>3 facilities are divided up into -- as far as HR</p> <p>4 functions, are divided up into business units, and</p> <p>5 then area, which is a larger area, and then beyond</p> <p>6 that, is it regional?</p> <p>7 A Yes.</p> <p>8 Q Who was the -- who was Ms. McGraw's boss or</p> <p>9 over her?</p> <p>10 A Joy Jones.</p> <p>11 Q Is Ms. McGraw still with WestRock?</p> <p>12 A No.</p> <p>13 Q When did she leave? Sometime in 2017, I</p> <p>14 guess.</p> <p>15 A No. December of 2016.</p> <p>16 Q Do you know why she left WestRock?</p> <p>17 A No.</p> <p>18 Q Do you know if she was terminated or if she</p> <p>19 quit?</p> <p>20 A No.</p> <p>21 Q You don't know?</p> <p>22 A I don't know.</p> <p>23 Q Where is Ms. Jones?</p> <p>24 A I don't understand the question.</p> <p>25 Q Where is she based out of?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q When I say the Gallatin plant, did you go to</p> <p>2 the sheet plant or did you go to the fulfillment</p> <p>3 center?</p> <p>4 A I would go to both locations.</p> <p>5 Q Why would you go out there?</p> <p>6 A I would go out to be the HR presence in the</p> <p>7 facility.</p> <p>8 Q Did you have set office hours?</p> <p>9 A No.</p> <p>10 Q Did you let employees know when you were</p> <p>11 coming?</p> <p>12 A Yes.</p> <p>13 Q Who would you let know? Or how would you</p> <p>14 let them know?</p> <p>15 A I would tell the general manager.</p> <p>16 Q Would that be Tommy Whited?</p> <p>17 A Yes.</p> <p>18 Q Did you have a dedicated HR office out at</p> <p>19 the Gallatin plant?</p> <p>20 A No.</p> <p>21 Q Where would you sort of set up shop when you</p> <p>22 were out there?</p> <p>23 A In the conference room.</p> <p>24 Q Was the conference room next door to Tommy</p> <p>25 Whited's office?</p>
<p style="text-align: right;">Page 11</p> <p>1 A Atlanta.</p> <p>2 Q Okay. Is that where WestRock's main offices</p> <p>3 are, corporate offices?</p> <p>4 A No. Norcross.</p> <p>5 Q Okay. Norcross, Georgia?</p> <p>6 A Yes.</p> <p>7 Q So, when you became the business unit HR</p> <p>8 manager, that included the Gallatin plant, and that</p> <p>9 was in 2012, I think you said, right?</p> <p>10 A No.</p> <p>11 Q Oh. When was that?</p> <p>12 A November 2014.</p> <p>13 Q So, November 2014 was the first time you</p> <p>14 were over the -- or you were the HR person for the</p> <p>15 Gallatin plant, right?</p> <p>16 A Yes.</p> <p>17 Q Who preceded you in that position?</p> <p>18 A I don't know.</p> <p>19 Q So, when you became the business unit HR</p> <p>20 manager for the Gallatin plant in November of 2014,</p> <p>21 after that point, how many times would you go out to</p> <p>22 the plant? Or how frequently?</p> <p>23 A I estimate an average of once a month.</p> <p>24 Q Was that the same in 2015?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 A No.</p> <p>2 Q How close was it to Tommy Whited's office?</p> <p>3 A Which location?</p> <p>4 Q Both.</p> <p>5 A At the sheet plant, maybe 25, 30 feet. I'm</p> <p>6 not sure of the exact distance.</p> <p>7 Q Like on the same hall or something?</p> <p>8 A Yes.</p> <p>9 Q Okay. And what about at the fulfillment</p> <p>10 center?</p> <p>11 A His office was across the plant. I can't</p> <p>12 give you the distance.</p> <p>13 Q Okay.</p> <p>14 A I don't know how far it would be.</p> <p>15 Q What about Susan Hart's office? How close</p> <p>16 was it to Susan Hart's office, the conference room</p> <p>17 at the fulfillment center?</p> <p>18 A Next door.</p> <p>19 Q Do you know how many plants WestRock has in</p> <p>20 Tennessee?</p> <p>21 A No.</p> <p>22 Q Do you have a guess?</p> <p>23 A No. Because I'm only responsible for the</p> <p>24 corrugated division. I don't know how many WestRock</p> <p>25 has in the state of Tennessee.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Is the Gallatin plant in the corrugated 2 division?</p> <p>3 A Yes.</p> <p>4 Q Okay. Do you know Tom Pedine?</p> <p>5 A Yes.</p> <p>6 Q What's his job?</p> <p>7 A Business unit general manager.</p> <p>8 Q Was that the same in 2016 and '17?</p> <p>9 A Yes.</p> <p>10 Q Where is he based out of?</p> <p>11 A Murfreesboro.</p> <p>12 Q Is the business unit manager over HR?</p> <p>13 A No.</p> <p>14 Q What is it -- do you know what that job is 15 for?</p> <p>16 A He is responsible for the four facilities in 17 the Tennessee BU.</p> <p>18 Q And the four facilities in the Tennessee 19 business unit are the ones that you are the HR 20 person for?</p> <p>21 A Yes.</p> <p>22 Q Now, you mentioned that when you would go to 23 the Gallatin plant, you would go there to be an HR 24 presence. Like what sort of functions did you 25 perform?</p>	<p style="text-align: right;">Page 16</p> <p>1 A It varied.</p> <p>2 Q What would it depend on?</p> <p>3 A I may drive up one morning, spend six hours 4 at fulfillment, stay overnight, the next morning go 5 to the sheet plant or vice versa.</p> <p>6 Q And who determined that schedule or when you 7 needed to go out there?</p> <p>8 A I did.</p> <p>9 Q Did you keep a calendar or schedule of when 10 you went out to the various plants?</p> <p>11 A For what time frame?</p> <p>12 Q Well, let's start with 2016. And I'm 13 excluding -- let me just say, I'm excluding the 14 investigation period related to Mr. Whited, because 15 I know that there was an uptick.</p> <p>16 A I don't recall.</p> <p>17 Q Okay. You don't recall if you kept any sort 18 of calendar or schedule?</p> <p>19 A I don't recall.</p> <p>20 Q Okay. Well, if you're going to be at a 21 different plant other than the Lewisburg plant, 22 would you let somebody know where you were going to 23 be?</p> <p>24 A Yes.</p> <p>25 Q Who would you typically let know?</p>
<p style="text-align: right;">Page 15</p> <p>1 A I would walk the plant floor, participate in 2 any meetings, assist employees with any issues they 3 may have, meet with the management team.</p> <p>4 Q What do you mean, you would assist with the 5 employees with issues? Like what?</p> <p>6 A If they had any issues, comments, or 7 concerns.</p> <p>8 Q Was that the same in 2015?</p> <p>9 A Yes.</p> <p>10 Q Was that the same in 2016?</p> <p>11 A Yes.</p> <p>12 Q When you would go to the Gallatin plant, how 13 much time would you spend there per day?</p> <p>14 A Approximately eight hours.</p> <p>15 Q So if you went to the Gallatin plant, you 16 would stay there all day?</p> <p>17 A Yes.</p> <p>18 Q But you didn't have any sort of set days or 19 times of the month that you would come out, right?</p> <p>20 A No. I did not have set days.</p> <p>21 Q And when you say you would go to the 22 Gallatin plant for eight hours, was that eight hours 23 at the fulfillment center and eight hours at the 24 sheet plant, or you would split your time between 25 the two?</p>	<p style="text-align: right;">Page 17</p> <p>1 A I would let my boss know.</p> <p>2 Q Did you have any sort of assistant or 3 administrative assistant that helped you?</p> <p>4 A No.</p> <p>5 Q And how would you let your boss know?</p> <p>6 A Via e-mail or phone call.</p> <p>7 Q And that was Ms. McGraw, right?</p> <p>8 A Yes.</p> <p>9 Q Until she left in December of 2016?</p> <p>10 A Yes.</p> <p>11 Q Do you maintain your e-mails?</p> <p>12 A I don't understand.</p> <p>13 Q Do you have any sort of specific process 14 where you keep certain e-mails or delete certain 15 e-mails or how do you maintain your e-mails?</p> <p>16 A I have them filed in my Outlook.</p> <p>17 Q So it doesn't sound like you delete e-mails, 18 right?</p> <p>19 A I didn't say I didn't delete e-mails.</p> <p>20 Q Well, do you delete e-mails?</p> <p>21 A Yes.</p> <p>22 Q What is your typical practice of the ones 23 that you delete?</p> <p>24 A I don't know -- I don't understand the 25 question.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q Well, do you just delete spam type e-mails, 2 marketing e-mails, or do you delete other business 3 related e-mails that you think you don't need 4 anymore? 5 A Yes, I delete spam. Yes, I delete junk. 6 Yes, I have -- delete business related. 7 Q Do you know if the company has a document 8 destruction or preservation policy? 9 A Yes. 10 Q Okay. Is that in the company handbook? 11 A I don't know. 12 Q What is your understanding of that policy? 13 A It outlines what files have to be kept and 14 for how long and the destruction process. 15 Q Does it have any specific provisions about 16 e-mails? 17 A I don't know. 18 Q I can't remember if I asked you, do you 19 supervise anyone? 20 A I do not. 21 Q Okay. Did you play a part in the decision 22 to demote Larry Eden? 23 A No. 24 Q Do you know anything about that? 25 A Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q I understand Susan Hart was moved from the 2 fulfillment center to the sheet plant. Is that 3 correct? 4 A Yes. 5 Q Why? 6 A I don't know. 7 Q Were you involved in that decision? 8 A No. 9 Q Who was? 10 A I don't know. 11 Q How did you find out about it? 12 A She was at the sheet plant one day when I 13 came to visit. 14 Q Okay. But you weren't involved in that at 15 all? 16 A No. 17 Q I guess as the business unit manager, which 18 is an HR job, right? 19 A Would you re-ask the question? 20 Q Well, I think you said your job title is 21 business unit -- what? HR? 22 A HR manager. 23 Q So, as business unit HR manager, you're 24 familiar with WestRock's policies? 25 A Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q What do you know? 2 A That he was demoted. 3 Q What else do you know? Why was he demoted? 4 A Performance. 5 Q Who made that decision? 6 A The general manager. 7 Q And who was the general manager at that 8 time? 9 A Al Hasbrouck and Tim Goeke. 10 Q How do you spell Tim's last name? 11 A G-o-e-k-e. 12 Q What are their job titles? 13 A Al Hasbrouck is general manager. Tim Goeke 14 is the area HR manager. 15 Q How long has Tim been area HR manager? 16 A I don't know. 17 Q What about his performance was deficient? 18 A I don't know that. 19 Q Was he demoted -- did his demotion have 20 anything to do with Tommy Whited or Michael 21 Kulakowski? 22 A No. 23 Q And Al Hasbrouck, he replaced Tommy Whited 24 as general manager, right? 25 A Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q If you could turn to Exhibit Number 4 here 2 in this binder. 3 (Presented Exhibit No. 4.) 4 BY MS. COLLINS: 5 Q If you could turn to Page 11 for me, please. 6 Have you seen this policy before? 7 A Yes. 8 Q Okay. And is this WestRock's sexual 9 harassment policy? 10 A Yes. 11 Q And this policy covers any sort of unwelcome 12 sexual advances, requests for favors, or other 13 verbal or physical conduct of a sexual nature, 14 right? 15 A Would you repeat the question? 16 MS. COLLINS: Would you repeat it. 17 (The requested question was read back 18 by the court reporter as follows: 19 "Question: And this policy covers any 20 sort of unwelcome sexual advances, requests for 21 favors, or other verbal or physical conduct of a 22 sexual nature, right?") 23 THE WITNESS: Yes. 24 BY MS. COLLINS: 25 Q Okay. Now, is an employee hitting another</p>

<p style="text-align: right;">Page 22</p> <p>1 employee in the groin conduct of a sexual nature?</p> <p>2 MS. DOHNER SMITH: Objection.</p> <p>3 THE WITNESS: Would you repeat the</p> <p>4 question.</p> <p>5 (The requested question was read back</p> <p>6 by the court reporter as follows:</p> <p>7 "Question: Now, is an employee hitting</p> <p>8 another employee in the groin conduct of a sexual</p> <p>9 nature?")</p> <p>10 THE WITNESS: I don't know.</p> <p>11 BY MS. COLLINS:</p> <p>12 Q Why do you not know?</p> <p>13 A I need clarification on the question.</p> <p>14 Q Well, if you were hit in the groin, would</p> <p>15 you consider that conduct of a sexual nature in the</p> <p>16 workplace?</p> <p>17 A Repeat the question, please.</p> <p>18 (The requested question was read back</p> <p>19 by the court reporter as follows:</p> <p>20 "Question: Well, if you were hit in</p> <p>21 the groin, would you consider that conduct of a</p> <p>22 sexual nature in the workplace?")</p> <p>23 THE WITNESS: May I please take a</p> <p>24 restroom break?</p> <p>25</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes.</p> <p>2 Q And if submission to conduct like that,</p> <p>3 either hitting in the groin -- well, let's just</p> <p>4 stick with hitting in the groin -- was made a</p> <p>5 condition of their employment, that would be a</p> <p>6 violation of WestRock's policies, right?</p> <p>7 MS. DOHNER SMITH: Objection.</p> <p>8 THE WITNESS: Would you repeat the</p> <p>9 question?</p> <p>10 BY MS. COLLINS:</p> <p>11 Q Sure. Submission to conduct like that,</p> <p>12 hitting in the groin, if that was made -- if either</p> <p>13 explicitly or implicitly a term or condition of</p> <p>14 employment, that would be a violation of WestRock's</p> <p>15 policies, right?</p> <p>16 A If proven.</p> <p>17 Q Well, let's go back to the policy. The</p> <p>18 first bullet point up there at the top of the page,</p> <p>19 says, "submission to such conduct is made either</p> <p>20 explicitly or implicitly a term or condition of</p> <p>21 employment."</p> <p>22 That would be a violation of the policy if</p> <p>23 it was unwelcome hitting in the groin?</p> <p>24 A Unwelcome hitting in the groin. Would you</p> <p>25 repeat the question?</p>
<p style="text-align: right;">Page 23</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Not while a question is pending.</p> <p>3 A Will you please re-read the question for me.</p> <p>4 (The requested question was read back</p> <p>5 by the court reporter as follows:</p> <p>6 "Question: Well, if you were hit in</p> <p>7 the groin, would you consider that conduct of a</p> <p>8 sexual nature in the workplace?")</p> <p>9 THE WITNESS: Yes.</p> <p>10 MS. COLLINS: Do you still need a</p> <p>11 break?</p> <p>12 THE WITNESS: Yes, please.</p> <p>13 (Recess observed.)</p> <p>14 BY MS. COLLINS:</p> <p>15 Q All right. We are back on the record.</p> <p>16 We were talking before the break about the</p> <p>17 policies, the WestRock policies that you testified</p> <p>18 that you were familiar with.</p> <p>19 Ms. Henley, we were also talking about</p> <p>20 hitting in the groin. I think you said you would</p> <p>21 find hitting in the groin to be sexual in nature,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q And that's unacceptable conduct in the</p> <p>25 workplace at WestRock, correct?</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Sure. Would unwelcome hitting in the groin,</p> <p>2 if that was made -- if submission to that kind of</p> <p>3 conduct was made either explicitly or implicitly a</p> <p>4 term or condition of a WestRock employee's</p> <p>5 employment, that would be a violation of this</p> <p>6 policy, right?</p> <p>7 A Yes.</p> <p>8 Q Okay. And this policy also talks about</p> <p>9 unreasonable interference with the work environment.</p> <p>10 Would getting kicked in the groin so that you lose</p> <p>11 your breath and can't stand up, would that interfere</p> <p>12 with an employee's work environment at WestRock?</p> <p>13 MS. DOHNER SMITH: Objection.</p> <p>14 THE WITNESS: Repeat the question,</p> <p>15 please.</p> <p>16 (The requested question was read back</p> <p>17 by the court reporter as follows:</p> <p>18 "Question: And this policy also talks</p> <p>19 about unreasonable interference with the work</p> <p>20 environment. Would getting kicked in the groin so</p> <p>21 that you lose your breath and can't stand up, would</p> <p>22 that interfere with an employee's work environment</p> <p>23 at WestRock?")</p> <p>24 MS. DOHNER SMITH: Objection.</p> <p>25 THE WITNESS: I don't know.</p>

<p style="text-align: right;">Page 26</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Well, if they're getting kick or hit in the</p> <p>3 groin and they can't stand up because they've lost</p> <p>4 their breath, they wouldn't be doing their regular</p> <p>5 job duties, right?</p> <p>6 MS. DOHNER SMITH: Objection.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MS. COLLINS:</p> <p>9 Q Well, if an employee gets hit or kicked in</p> <p>10 the groin so that it hurts them so bad they fall to</p> <p>11 the ground and they can't breathe, they're not doing</p> <p>12 their regular job duties, correct?</p> <p>13 MS. DOHNER SMITH: Objection.</p> <p>14 THE WITNESS: I don't know.</p> <p>15 BY MS. COLLINS:</p> <p>16 Q I mean, would you be able to?</p> <p>17 A I don't know.</p> <p>18 Q If you're on the ground struggling to</p> <p>19 breathe because somebody has hit you in a place that</p> <p>20 hurt, you wouldn't be able to do your regular job</p> <p>21 duties, right?</p> <p>22 MS. DOHNER SMITH: Objection.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 BY MS. COLLINS:</p> <p>25 Q Why don't you know? What's the problem with</p>	<p style="text-align: right;">Page 28</p> <p>1 them to do their job duties?</p> <p>2 A I don't remember.</p> <p>3 Q Did you ask them?</p> <p>4 A I don't remember.</p> <p>5 Q What would help you to remember?</p> <p>6 A The investigation notes.</p> <p>7 Q Okay. Your investigation notes from when</p> <p>8 you talked with these people?</p> <p>9 A Yes.</p> <p>10 Q Okay. All right. We'll get to those in</p> <p>11 just a second.</p> <p>12 A All right.</p> <p>13 Q But you think those notes would help refresh</p> <p>14 your recollection as to whether or not it interfered</p> <p>15 with their ability to perform their job duties?</p> <p>16 MS. DOHNER SMITH: Objection.</p> <p>17 THE WITNESS: Well, I don't know.</p> <p>18 BY MS. COLLINS:</p> <p>19 Q So, do you think it would help you refresh</p> <p>20 your recollection if you looked at your notes?</p> <p>21 A Refresh recollection, yes.</p> <p>22 Q Okay. Now, is it appropriate workplace</p> <p>23 conduct at WestRock if a manager is showing his</p> <p>24 private parts to one of his subordinate employees?</p> <p>25 A Repeat the question.</p>
<p style="text-align: right;">Page 27</p> <p>1 the question?</p> <p>2 A Because I've not been hit in the groin to</p> <p>3 know how that would affect me.</p> <p>4 Q Okay. Have you talked to employees who have</p> <p>5 been?</p> <p>6 A Yes.</p> <p>7 Q Okay. Did they talk about how it made it</p> <p>8 hard for them to do their jobs?</p> <p>9 A I don't remember.</p> <p>10 Q Who have you talked to that's been hit in</p> <p>11 the groin?</p> <p>12 A Michael Kulakowski.</p> <p>13 Q Who else?</p> <p>14 A Jerry Harville.</p> <p>15 Q Who else?</p> <p>16 A I don't remember.</p> <p>17 Q Donnie Taylor, was he one of them?</p> <p>18 A I don't remember.</p> <p>19 Q Okay. Was it the ones that have been hit in</p> <p>20 the groin by Tommy Whited?</p> <p>21 A The ones?</p> <p>22 Q The employees who had been hit in the groin</p> <p>23 by Tommy Whited.</p> <p>24 A Yes.</p> <p>25 Q Did they tell you that it made it hard for</p>	<p style="text-align: right;">Page 29</p> <p>1 Q Is it appropriate workplace conduct for a</p> <p>2 manager to show his private parts to a subordinate</p> <p>3 employee in the workplace at WestRock?</p> <p>4 A No.</p> <p>5 Q Would that be considered sexual harassment?</p> <p>6 MS. DOHNER SMITH: Objection.</p> <p>7 THE WITNESS: Not necessarily.</p> <p>8 BY MS. COLLINS:</p> <p>9 Q Why wouldn't it be?</p> <p>10 A Would you repeat the question, please.</p> <p>11 Q Sure. Why wouldn't a manager showing his</p> <p>12 private parts to a subordinate employee be</p> <p>13 considered sexual harassment? You said you didn't</p> <p>14 know if it would be considered sexual harassment,</p> <p>15 and I'm wanting to know why it wouldn't be, if</p> <p>16 that's the case.</p> <p>17 A Reading the policy, exposing one time</p> <p>18 doesn't fall under sexual harassment.</p> <p>19 Q Where in the policy does it say a one-time</p> <p>20 exposure of someone's penis to another employee is</p> <p>21 not sexual harassment?</p> <p>22 A It states, "Unwelcome sexual advances,</p> <p>23 requests for sexual favors, and other verbal or</p> <p>24 physical conduct of a sexual nature constitute</p> <p>25 sexual harassment when: Submission to such conduct</p>

<p style="text-align: right;">Page 30</p> <p>1 is made either explicitly or implicitly a term or 2 condition of individual employment...used as the 3 basis for employment decisions...effect of 4 unreasonable interference of an individual's work 5 performance..."</p> <p>6 Q "...or creating an intimidating, hostile, or 7 offensive working environment." Right?</p> <p>8 A Right.</p> <p>9 Q That's what it says. So it doesn't say 10 anything about a one-time exposure not being sexual 11 harassment, correct?</p> <p>12 A It doesn't say that it is either.</p> <p>13 Q Okay. So are you saying that a one-time 14 exposure of a manager's penis to a subordinate 15 employee is not sexual harassment in your mind 16 because it doesn't explicitly say so in this policy?</p> <p>17 A No. Because it's not pervasive and is a 18 one-time event.</p> <p>19 Q So, you're saying that it's not -- because 20 it just happened once, that it's not a big deal?</p> <p>21 A No.</p> <p>22 Q What are you saying?</p> <p>23 A Would you repeat the question, please.</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 32</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Could that be considered sexual harassment 3 under this policy? Hitting in the groin, 4 specifically.</p> <p>5 A Repeat the question, please.</p> <p>6 (The requested question was read back 7 by the court reporter as follows: 8 "Question: Could that be considered 9 sexual harassment under this policy? Hitting in the 10 groin, specifically.")</p> <p>11 THE WITNESS: It could be.</p> <p>12 BY MS. COLLINS:</p> <p>13 Q Okay. If the employee found it offensive, 14 could it be considered sexual harassment to be hit 15 in the groin?</p> <p>16 A Yes.</p> <p>17 Q Okay. Would an employee being afraid to use 18 the bathroom because they were afraid the manager 19 would expose themselves, their private parts in the 20 bathroom, would that constitute interference with 21 their ability to perform their job?</p> <p>22 MS. DOHNER SMITH: Objection.</p> <p>23 THE WITNESS: I don't know.</p> <p>24 BY MS. COLLINS:</p> <p>25 Q Okay. Now, horseplay can be considered</p>
<p style="text-align: right;">Page 31</p> <p>1 (The requested question was read back 2 by the court reporter as follows: 3 "Question: What are you saying?")</p> <p>4 THE WITNESS: Would you repeat the 5 previous question?</p> <p>6 BY MS. COLLINS:</p> <p>7 Q Let me put it this way: Can a one-time 8 event be considered sexual harassment?</p> <p>9 A I don't know.</p> <p>10 Q Well, if somebody exposed themselves to you 11 in the workplace, a male manager of yours showed you 12 his penis, and said, why don't you come to the 13 bathroom and suck my penis, would you consider that 14 severe?</p> <p>15 A Yes.</p> <p>16 Q Would you consider that sexual harassment?</p> <p>17 A Yes.</p> <p>18 Q Okay. If an employee came to you and said 19 this happened to me, would you consider that sexual 20 harassment?</p> <p>21 A What is "this"?</p> <p>22 Q What I just described.</p> <p>23 A Yes.</p> <p>24 Q What about assault by another employee?</p> <p>25 MS. DOHNER SMITH: Objection.</p>	<p style="text-align: right;">Page 33</p> <p>1 sexual harassment, right?</p> <p>2 MS. DOHNER SMITH: Objection.</p> <p>3 THE WITNESS: It depends.</p> <p>4 BY MS. COLLINS:</p> <p>5 Q On what?</p> <p>6 A The nature of the horseplay.</p> <p>7 Q Tell me what you would define horseplay to 8 be.</p> <p>9 A Goofing around.</p> <p>10 Q I'm talking about grabbing other employees 11 in their private parts or hitting them in their 12 private parts, that type of horseplay could be 13 considered sexual harassment, correct?</p> <p>14 MS. DOHNER SMITH: Objection.</p> <p>15 THE WITNESS: It could be.</p> <p>16 BY MS. COLLINS:</p> <p>17 Q And horseplay is a violation of WestRock's 18 code of conduct, right?</p> <p>19 A Yes.</p> <p>20 Q And can an employee be disciplined for 21 engaging in horseplay in the workplace?</p> <p>22 A Yes.</p> <p>23 Q And pursuant to this policy that we've been 24 talking about, employees who believe they've been 25 harassed, they can talk directly to the harasser and</p>

<p style="text-align: right;">Page 34</p> <p>1 tell them to stop, right?</p> <p>2 A Yes.</p> <p>3 Q And one of the ways that they can report</p> <p>4 their problems is to notify a supervisor or a</p> <p>5 manager, correct?</p> <p>6 A Yes.</p> <p>7 Q Who falls in that chain of command or that</p> <p>8 definition of supervisor or manager?</p> <p>9 A Be more specific.</p> <p>10 Q Well, I'm asking you, it says, the policy --</p> <p>11 on Page 11 of Exhibit Number 4 says, "If an employee</p> <p>12 makes a complaint regarding harassment to a</p> <p>13 supervisor or manager, then the supervisor or</p> <p>14 manager is required to notify his or her divisional</p> <p>15 HR director..."</p> <p>16 Who would be considered a supervisor or</p> <p>17 manager under that part of the policy?</p> <p>18 A Production supervisors or managers.</p> <p>19 Q What other types of managers or supervisors?</p> <p>20 General manager?</p> <p>21 A A general manager, yes.</p> <p>22 Q Plant manager?</p> <p>23 A Yes.</p> <p>24 Q Any other type of supervisor or manager?</p> <p>25 A Production supervisor, customer service</p>	<p style="text-align: right;">Page 36</p> <p>1 that they had been harassed or kicked or anything</p> <p>2 like that in the workplace, those people should have</p> <p>3 reported that to divisional HR.</p> <p>4 A Yes.</p> <p>5 MS. DOHNER SMITH: Objection.</p> <p>6 BY MS. COLLINS:</p> <p>7 Q Okay. And the divisional HR manager, was</p> <p>8 that -- who?</p> <p>9 A Joy Jones.</p> <p>10 Q And it says, "...along with his or her local</p> <p>11 human resources representative..."</p> <p>12 And the local HR representative, would that</p> <p>13 be considered you?</p> <p>14 A What time frame?</p> <p>15 Q 2016.</p> <p>16 A Yes.</p> <p>17 Q And 2015?</p> <p>18 A Yes.</p> <p>19 Q Okay. And before the report in August of</p> <p>20 2015, had any of these people -- or 2016, had any of</p> <p>21 these people reported anything to you about Tommy</p> <p>22 Whited?</p> <p>23 A Which report?</p> <p>24 Q Before August of 2016, at any time before</p> <p>25 August of 2016, had any of these people made a</p>
<p style="text-align: right;">Page 35</p> <p>1 manager, a safety manager.</p> <p>2 Q Anyone else?</p> <p>3 A Possibly. Any manager or supervisor.</p> <p>4 Q Okay. Who was the production manager --</p> <p>5 production supervisor at the Gallatin fulfillment</p> <p>6 center?</p> <p>7 A Michael White.</p> <p>8 Q And he's still the production supervisor,</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q And the general manager, that was Tommy</p> <p>12 Whited, right?</p> <p>13 A Yes.</p> <p>14 Q Who was the plant manager? Was that Larry</p> <p>15 Eden?</p> <p>16 A Yes.</p> <p>17 Q And the customer service manager?</p> <p>18 A Keith Hall.</p> <p>19 Q And the safety manager?</p> <p>20 A We did not have a safety manager. Safety</p> <p>21 coordinator.</p> <p>22 Q Who is the safety coordinator?</p> <p>23 A Lana Potts.</p> <p>24 Q Okay. So, if any one of those people</p> <p>25 received a complaint or had an employee tell them</p>	<p style="text-align: right;">Page 37</p> <p>1 report to you about Tommy Whited's behavior of</p> <p>2 hitting other employees in the groin or harassing</p> <p>3 other employees?</p> <p>4 A No.</p> <p>5 Q If they had witnessed such conduct, should</p> <p>6 they have reported that to you?</p> <p>7 A Yes.</p> <p>8 Q And when you started dealing with Michael</p> <p>9 Kulakowski's situation, he told you that he had told</p> <p>10 Mr. Whited on several occasions to stop hitting him,</p> <p>11 right?</p> <p>12 A I don't recall.</p> <p>13 Q But Michael Kulakowski reported to you that</p> <p>14 he had been hit in the groin on numerous occasions</p> <p>15 by Mr. Whited, right?</p> <p>16 MS. DOHNER SMITH: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. COLLINS:</p> <p>19 Q And he also reported that he had -- that</p> <p>20 those -- that some of those incidents had been</p> <p>21 witnessed by other members of management or</p> <p>22 supervisors.</p> <p>23 A Yes.</p> <p>24 Q Were any of the managers or supervisors that</p> <p>25 he reported witnessing him being hit, written up or</p>

<p style="text-align: right;">Page 38</p> <p>1 disciplined for not reporting it when they saw it?</p> <p>2 A Repeat the question.</p> <p>3 Q Were any of the managers or supervisors that</p> <p>4 Michael Kulakowski reported having witnessed him</p> <p>5 being hit by Tommy Whited disciplined in any way for</p> <p>6 not reporting that conduct to HR?</p> <p>7 A No.</p> <p>8 Q If you could turn to Page 12 of Exhibit 4,</p> <p>9 please.</p> <p>10 Down at the bottom of the page is the</p> <p>11 company's anti-violence policy. Are you familiar</p> <p>12 with that policy?</p> <p>13 A Familiar, yes.</p> <p>14 Q And pursuant to this policy, "If an employee</p> <p>15 is threatened, witnesses, or overhears a threat of</p> <p>16 bodily harm, he or she must report it directly to a</p> <p>17 supervisor or manager." Right?</p> <p>18 A Yes.</p> <p>19 Q And if a manager is involved in the threat,</p> <p>20 then it should be reported to local human resources.</p> <p>21 A Yes.</p> <p>22 Q And that would be you, correct?</p> <p>23 A Yes.</p> <p>24 Q And I think we've already gone over that no</p> <p>25 supervisor or manager reported anything to you about</p>	<p style="text-align: right;">Page 40</p> <p>1 A Yes.</p> <p>2 Q Is it different now?</p> <p>3 A It has WestRock at the top, yes.</p> <p>4 Q Okay. Now, you would agree with me that</p> <p>5 nowhere on this piece of paper does it say</p> <p>6 complaints regarding sexual harassment should -- can</p> <p>7 be reported to this phone number?</p> <p>8 A It does not specifically say sexual</p> <p>9 harassment.</p> <p>10 Q Okay. Has -- to your knowledge, has</p> <p>11 WestRock ever disciplined an employee for not</p> <p>12 reporting harassment or assault?</p> <p>13 A I don't recall.</p> <p>14 Q Other than handing out employee handbooks,</p> <p>15 do y'all make one accessible to employees in the</p> <p>16 workplace?</p> <p>17 A Yes.</p> <p>18 Q Where do y'all keep them?</p> <p>19 A Breakroom. And the intranet has WestRock</p> <p>20 policies on there that they have access to.</p> <p>21 Q Was that the same in 2015 and 2016?</p> <p>22 A Yes. We have HR kiosks.</p> <p>23 Q Is it the same at the fulfillment center?</p> <p>24 A Yes.</p> <p>25 Q Have you ever been involved in a termination</p>
<p style="text-align: right;">Page 39</p> <p>1 Michael Kulakowski getting hit in the workplace?</p> <p>2 A No supervisor prior to, yes.</p> <p>3 Q Now I'm going to skip back to Page 11 again.</p> <p>4 Well, no. I'm going to jump forward to Page 7, the</p> <p>5 compliance hotline.</p> <p>6 Tell me what this is for, Page 7.</p> <p>7 A The compliance hotline?</p> <p>8 Q Uh-huh.</p> <p>9 A It's another avenue for employees to report</p> <p>10 inappropriate behavior or concerning behavior,</p> <p>11 anything that they think may be inappropriate</p> <p>12 violation of company policy.</p> <p>13 Q Okay. And is this posted in the workplace,</p> <p>14 this compliance hotline paper?</p> <p>15 A Yes.</p> <p>16 Q Where is it posted?</p> <p>17 A On the bulletin boards.</p> <p>18 Q Okay. And what is posted, does it look just</p> <p>19 like this page, Page 7?</p> <p>20 A What's posted today?</p> <p>21 Q No. What was posted in, I don't know,</p> <p>22 2015/2016.</p> <p>23 A Yes.</p> <p>24 Q It looks like this document right here</p> <p>25 that's Page 7?</p>	<p style="text-align: right;">Page 41</p> <p>1 of an employee for incorrect information on their</p> <p>2 job application?</p> <p>3 A No.</p> <p>4 Q Have you ever been involved in the</p> <p>5 termination of an employee for incomplete</p> <p>6 information on a job application?</p> <p>7 A No.</p> <p>8 Q Does WestRock run background checks on</p> <p>9 employees when they hire them?</p> <p>10 A Yes.</p> <p>11 Q Was that the same when it was RockTenn?</p> <p>12 A I can only speak for my facilities. Yes.</p> <p>13 Q And has it been that way since 2012, since</p> <p>14 you've worked there?</p> <p>15 A Yes.</p> <p>16 Q How far back do y'all go for background</p> <p>17 checks?</p> <p>18 A Seven years.</p> <p>19 Q And as far as you know, has it always been</p> <p>20 you just go back seven years?</p> <p>21 A As far as I know, yes.</p> <p>22 Q And you did not -- WestRock did not receive</p> <p>23 any complaints from women that they were hit or</p> <p>24 kicked in the groin by Tommy Whited, did they?</p> <p>25 A Well, I don't know.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q Are you aware of any?</p> <p>2 A Would you rephrase the question.</p> <p>3 Q Are you aware of any report -- of WestRock</p> <p>4 receiving any reports by women that they were hit or</p> <p>5 kicked in the groin by Tommy Whited?</p> <p>6 A I am not aware of any.</p> <p>7 Q Okay. And if it happened since 2012, you</p> <p>8 would have been made aware of it, given your role in</p> <p>9 HR, right?</p> <p>10 A No.</p> <p>11 Q Why not?</p> <p>12 A Because I only supported one facility in</p> <p>13 2012.</p> <p>14 Q Okay.</p> <p>15 A So I would only have knowledge of that</p> <p>16 facility.</p> <p>17 Q Okay. But when you were over -- became over</p> <p>18 the Gallatin facility, you would have known about</p> <p>19 it, right?</p> <p>20 A Not necessarily.</p> <p>21 Q Why not?</p> <p>22 A It could have come to someone else.</p> <p>23 Q Like who?</p> <p>24 A My boss.</p> <p>25 Q Okay. And that was?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q What is the Speak Up! e-mails? What do you</p> <p>2 mean by that?</p> <p>3 A It's another avenue for employees to report</p> <p>4 any concerns, ideas, suggestions, things of that</p> <p>5 nature, via e-mail, anonymously, or you can put your</p> <p>6 name to it, if you like.</p> <p>7 Q Who made the -- who sent the Speak Up!</p> <p>8 e-mail?</p> <p>9 A Who sent it?</p> <p>10 Q Who was it from? Was it anonymous or did it</p> <p>11 have a name identified with it?</p> <p>12 A I believe it was anonymous.</p> <p>13 Q Okay. Well, then what happened once you got</p> <p>14 that?</p> <p>15 A I came to the -- well, I made a couple of</p> <p>16 phone calls to employees referenced in the e-mail.</p> <p>17 Q Who did you call?</p> <p>18 A I attempted to call Ken Buckmaster, and I</p> <p>19 called Johanna Crowder.</p> <p>20 Q Anyone else?</p> <p>21 A Eventually, yes.</p> <p>22 Q Okay. So, when you called these people,</p> <p>23 what did you find out?</p> <p>24 A Buckmaster never responded, so I never spoke</p> <p>25 with him. And my conversation with Johanna was</p>
<p style="text-align: right;">Page 43</p> <p>1 A Melinda McGraw.</p> <p>2 Q But you're not aware of any complaints from</p> <p>3 women about Tommy Whited kicking or hitting them in</p> <p>4 the groin?</p> <p>5 A I am not.</p> <p>6 Q Okay. So is it fair to say that you only</p> <p>7 have knowledge about men working at WestRock being</p> <p>8 kicked or hit in the groin by Tommy Whited?</p> <p>9 A Yes.</p> <p>10 Q And you agree that was a violation of</p> <p>11 WestRock's policies for him to do that?</p> <p>12 A Yes.</p> <p>13 Q Tell me about when you first found out --</p> <p>14 how it came about that y'all investigated Tommy</p> <p>15 Whited in August of 2016.</p> <p>16 A I was asked to check into a Speak Up! e-mail</p> <p>17 that was received at corporate.</p> <p>18 Q So, that was not a Global Compliance hotline</p> <p>19 complaint? It was something different?</p> <p>20 A Yes.</p> <p>21 Q Okay. When did y'all start this Speak Up!</p> <p>22 e-mails?</p> <p>23 A The company?</p> <p>24 Q That you know of.</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 45</p> <p>1 based on her exit interview. She was leaving.</p> <p>2 Q Okay. What did you find out there?</p> <p>3 A She was leaving for another opportunity, and</p> <p>4 she wasn't happy with the current work environment.</p> <p>5 Q Okay. What was she not happy about?</p> <p>6 A I don't recall specifically.</p> <p>7 Q What do you recall generally?</p> <p>8 A Hours. That's all I recall.</p> <p>9 Q Okay. So, what about those two phone calls</p> <p>10 led you to investigate further?</p> <p>11 A I went to the facility to speak to Johanna</p> <p>12 in person.</p> <p>13 Q Okay. What about you speaking with her in</p> <p>14 person led you to investigate further?</p> <p>15 A She indicated there was someone else that</p> <p>16 wanted to speak to me.</p> <p>17 Q Who?</p> <p>18 A That was Helen Kendall.</p> <p>19 Q Okay. And did you speak with Helen?</p> <p>20 A I did.</p> <p>21 Q Okay. What did Helen have to say?</p> <p>22 A She brought forth some items about an</p> <p>23 employee being paid when he wasn't at work, alleged</p> <p>24 that Tommy was having an affair with a subordinate.</p> <p>25 That's all I recall.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q Okay. How long was your meeting with 2 Johanna when you first met with her? 3 A I don't remember. 4 Q Just about, approximate? Less than an hour? 5 More than an hour? 6 A I would say at least 30 minutes. 7 Q Okay. Did you take notes? 8 A Yes. 9 Q What kind of notes? 10 A What do you mean? 11 Q Did you handwrite them, did you record the 12 meeting, did you -- 13 A No. I typed those notes. 14 Q Did you type them at the time? 15 A Yes. 16 Q And with Helen, when you met with her -- 17 first, where did you meet Johanna? 18 A In the conference room at the sheet plant. 19 Q Okay. And when you met with Helen, where 20 did you meet her? 21 A Same location. 22 Q Did you take handwritten notes or type 23 notes? 24 A Typed. 25 Q Did you type them at the time?</p>	<p style="text-align: right;">Page 48</p> <p>1 right? 2 A Record? 3 Q Record them. 4 A No. 5 Q Like I'm talking audio recording. 6 A No. 7 Q All right. So you spoke with Gary, you 8 spoke with Helen, and you spoke with Johanna, and 9 you can't remember if you spoke with anyone else? 10 A I know I spoke with other people. I just 11 don't remember the exact order. 12 Q Okay. Did you speak with other people that 13 day or -- 14 A It may have been the next day. It could 15 have been that afternoon. I don't recall. 16 Q And do you recall the others that you spoke 17 to? 18 A I do. Just not necessarily the order. 19 Q Okay. Who were they? 20 A I had a conversation with Lana Potts, Jerry 21 Harville. And I believe that was it. I was there a 22 day or two back to back -- 23 Q Okay. 24 A -- at the sheet plant in the conference 25 room.</p>
<p style="text-align: right;">Page 47</p> <p>1 A Yes. 2 Q Okay. So based on these two conversations, 3 what did you do next? 4 A I spoke with Gary Pagels, because I was told 5 that he wanted to speak to me. 6 Q Gary who? 7 A Pagels. 8 Q Okay. Is he out at the sheet plant or 9 fulfillment center? 10 A Sheet. 11 Q All right. What did he have to say? 12 A He was frustrated with the performance of 13 the facility and the direction and communication 14 that the plant was currently at. 15 Q Okay. Anything else? 16 A Not that I recall. 17 Q Okay. And then what did you do? 18 A I don't remember exactly who I spoke with 19 next. 20 Q How long was your meeting with Helen, about? 21 A Oh, I would say at least 30 minutes. 22 Q What about with Gary? 23 A I would say about the same, at least 24 30 minutes. 25 Q And you didn't record any of these meetings,</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Were these the first round of sort of 2 initial interviews that you conducted to figure out 3 what was going on based on the -- that e-mail? 4 A Yes. 5 Q All right. What did Ms. Potts have to say? 6 A What I recollect is she stated that she had 7 witnessed Tommy kiss a subordinate. She discussed 8 communication issues. And she gave me the name of 9 Jerry Harville and Michael Kulakowski, and I don't 10 remember who else. 11 Q Okay. And did you type up your notes from 12 her conversation? 13 A Yes. 14 Q What did you do with the notes? 15 A As in? 16 Q Did you e-mail them or were they a Word 17 document or -- 18 A In an e-mail to have the date and time 19 stamp. 20 Q Okay. Did you just e-mail them to yourself? 21 A Yes. 22 Q Okay. And about how long did the meeting 23 with Lana last? 24 A At least 30 minutes. 25 Q Okay. Anything else you can recall about</p>

<p style="text-align: right;">Page 50</p> <p>1 that meeting?</p> <p>2 A No.</p> <p>3 Q Do you recall any specifics about</p> <p>4 communication issues, what she was talking about,</p> <p>5 communication issues?</p> <p>6 A I don't remember.</p> <p>7 Q When she gave you the name of Jerry and</p> <p>8 Michael Kulakowski, do you recall any specifics as</p> <p>9 to why she told you you should talk to them?</p> <p>10 A I don't remember specifically what she said.</p> <p>11 Q Or generally why she thought you should talk</p> <p>12 to them?</p> <p>13 A I don't remember her specific words, but it</p> <p>14 was to the effect of the reason I needed to speak to</p> <p>15 them was because of behavior issues with Tommy</p> <p>16 Whited toward them.</p> <p>17 Q And Lana Potts, had she turned in her notice</p> <p>18 at that time, or was she --</p> <p>19 A No.</p> <p>20 Q She was still working there?</p> <p>21 A Yes.</p> <p>22 Q Did she indicate whether or not she was</p> <p>23 concerned about her job if she talked to you?</p> <p>24 A No.</p> <p>25 Q Okay. What about Jerry Harville? Tell me</p>	<p style="text-align: right;">Page 52</p> <p>1 Q Do you recall if he said that it happened to</p> <p>2 other people?</p> <p>3 A Yes.</p> <p>4 Q What did he say about that?</p> <p>5 A He gave me -- he told me to speak with</p> <p>6 Michael Kulakowski, and I don't remember if anyone</p> <p>7 else.</p> <p>8 Q Okay. Other than telling you to speak with</p> <p>9 Michael Kulakowski because the same thing had</p> <p>10 happened to him --</p> <p>11 MS. DOHNER SMITH: Objection.</p> <p>12 BY MS. COLLINS:</p> <p>13 Q -- anything specific that you can recall</p> <p>14 about why he thought you needed to talk to Michael</p> <p>15 Kulakowski?</p> <p>16 A I can't remember his exact words.</p> <p>17 Q Okay. All right. And after you met with</p> <p>18 these people, Ms. Potts, Mr. Harville, Gary, Helen,</p> <p>19 and Johanna, what did you do after that?</p> <p>20 A I don't remember the exact timeline. I</p> <p>21 would have called in a report to my boss, and I know</p> <p>22 that I came back to the facility, because the best I</p> <p>23 recall, this was maybe at the end of the week, and I</p> <p>24 came back maybe that following Monday and/or</p> <p>25 Tuesday. I don't know the exact dates. So I spoke</p>
<p style="text-align: right;">Page 51</p> <p>1 about your conversation with him.</p> <p>2 A Jerry discussed his work comp injury. He</p> <p>3 told me that he had been hit by Tommy Whited in the</p> <p>4 groin area, and that he hit Tommy back. And I don't</p> <p>5 remember all of the specifics of his exact</p> <p>6 statement.</p> <p>7 Q Did he -- did he say that he had only been</p> <p>8 hit once by Tommy Whited or did he say it had</p> <p>9 happened multiple times?</p> <p>10 A I don't recall.</p> <p>11 Q When he said he hit Tommy Whited back, was</p> <p>12 that because he had been hit first?</p> <p>13 A Yes.</p> <p>14 Q Did he say anything to the effect like he</p> <p>15 was defending himself?</p> <p>16 A He told me it was a reflex. I remember</p> <p>17 that.</p> <p>18 Q Okay. Other than being -- him telling you</p> <p>19 he'd been hit in the groin area, had he been hit or</p> <p>20 kicked -- had he indicated he had been hit or kicked</p> <p>21 by Tommy Whited?</p> <p>22 A I don't remember.</p> <p>23 Q Had he told you it had happened more than</p> <p>24 once?</p> <p>25 A I don't remember.</p>	<p style="text-align: right;">Page 53</p> <p>1 to other people.</p> <p>2 Q Okay.</p> <p>3 A I specifically remember calling Kuli,</p> <p>4 because he was on vacation.</p> <p>5 Q And when you say Kuli, just for the</p> <p>6 record --</p> <p>7 A Michael Kulakowski.</p> <p>8 Q Right. It's just for the record. Everybody</p> <p>9 else calls him Kuli, too.</p> <p>10 Before we get into this, let's take a quick</p> <p>11 break.</p> <p>12 (Recess observed.)</p> <p>13 BY MS. COLLINS:</p> <p>14 Q Now, Ms. Henley, were you aware that another</p> <p>15 complaint had been made about Tommy Whited sexually</p> <p>16 harassing an employee in 2013?</p> <p>17 A No.</p> <p>18 Q Okay. I'll ask you about this specifically.</p> <p>19 MS. COLLINS: Let's mark this next</p> <p>20 document as Exhibit Number 15.</p> <p>21 (Marked Exhibit No. 15.)</p> <p>22 BY MS. COLLINS:</p> <p>23 Q Just let me know when you've had a chance to</p> <p>24 review this.</p> <p>25 A (Reviewing document.) Okay.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q Have you ever seen this document before?</p> <p>2 A No.</p> <p>3 Q Okay. When you're investigating a complaint</p> <p>4 about an employee, do you go in their employee file</p> <p>5 and see if they've had complaints made against them</p> <p>6 in the past?</p> <p>7 A Would you re-ask the question?</p> <p>8 Q Sure. When you're investigating an employee</p> <p>9 for a violation of company policies, whether it's</p> <p>10 your ethics policies or sexual harassment policy, do</p> <p>11 you go back and review that employee's personnel</p> <p>12 file to see if they've had other complaints made</p> <p>13 against them in the past?</p> <p>14 A Not necessarily.</p> <p>15 Q Why not?</p> <p>16 A It would depend on the complaint and the</p> <p>17 allegation.</p> <p>18 Q Well, if the complaint and the allegation</p> <p>19 was about a violation of your ethics or code of</p> <p>20 conduct or sexual harassment policy, would you go</p> <p>21 back and look at that employee's personnel file to</p> <p>22 determine if other complaints like that had been</p> <p>23 made in the past?</p> <p>24 A Me specifically? Yes.</p> <p>25 Q Okay. When complaints were made against</p>	<p style="text-align: right;">Page 56</p> <p>1 investigated this would that have record.</p> <p>2 Q But you don't know anything about this</p> <p>3 complaint in 2013 --</p> <p>4 A I do not.</p> <p>5 Q -- against Mr. Whited?</p> <p>6 So is it fair to say that you didn't take</p> <p>7 this into consideration when you conducted your</p> <p>8 investigation in 2016?</p> <p>9 A I did not.</p> <p>10 Q Do you think it would have been helpful to</p> <p>11 know that he had had prior complaints of sexual</p> <p>12 harassment made against him?</p> <p>13 A No.</p> <p>14 MS. DOHNER SMITH: I'm going to say</p> <p>15 it's been marked as 15. Is that for identification</p> <p>16 since she couldn't authenticate it? I'll make that</p> <p>17 objection and we can move on.</p> <p>18 MS. COLLINS: I'll mark the next</p> <p>19 document as Exhibit 16.</p> <p>20 (Marked Exhibit No. 16.)</p> <p>21 BY MS. COLLINS:</p> <p>22 Q Okay. This document that's been marked as</p> <p>23 Exhibit 16, have you seen this before?</p> <p>24 A Yes.</p> <p>25 Q Okay. In the investigation summary that's</p>
<p style="text-align: right;">Page 55</p> <p>1 Tommy Whited and you found out that he'd been</p> <p>2 kicking employees, did you go back and review his</p> <p>3 personnel file?</p> <p>4 A I did not.</p> <p>5 Q All right. Do you know if your boss,</p> <p>6 Melinda, did?</p> <p>7 A I don't know if she did. I can't answer</p> <p>8 that.</p> <p>9 Q Would you have access to his personnel file</p> <p>10 if you needed it?</p> <p>11 A Yes.</p> <p>12 Q Where are those files kept?</p> <p>13 A At the sheet plant.</p> <p>14 Q Okay. And if -- where in the sheet plant?</p> <p>15 A In a filing cabinet.</p> <p>16 Q Okay. If an employee had had a prior Global</p> <p>17 Compliance complaint made against them, where would</p> <p>18 this be kept?</p> <p>19 A It most likely would have been kept with</p> <p>20 legal.</p> <p>21 Q Okay. If an employee had had a prior</p> <p>22 complaint of sexual harassment, would that prior</p> <p>23 complaint of sexual harassment be kept in their</p> <p>24 personnel file or just with legal?</p> <p>25 A With legal and the previous owner. Whoever</p>	<p style="text-align: right;">Page 57</p> <p>1 attached to this, is this -- it says that it's</p> <p>2 updated 8/16/2016. Is this the document that was</p> <p>3 attached to your e-mail from August 17th?</p> <p>4 A I mean, I don't remember if this is the</p> <p>5 exact document that was attached without looking at</p> <p>6 the e-mail itself.</p> <p>7 Q Do you think it probably would have been?</p> <p>8 A I can only assume.</p> <p>9 Q Okay. And the statement from Lana Potts</p> <p>10 that's on the last page of this document at WestRock</p> <p>11 223, is that the statement she gave you?</p> <p>12 A Yes.</p> <p>13 Q Did you ask her to write out this statement?</p> <p>14 A I don't recall.</p> <p>15 Q Okay. But this wasn't all you talked about</p> <p>16 with her?</p> <p>17 A It is not. It's not.</p> <p>18 Q Okay. And going back to your -- the</p> <p>19 investigation summary, did you type up this</p> <p>20 investigation summary?</p> <p>21 A Yes.</p> <p>22 Q And it looks like at the top the initial</p> <p>23 allegation was inappropriate relationship with</p> <p>24 direct report, right?</p> <p>25 A That was -- yes, that was an allegation.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q And that related to Susan Hart?</p> <p>2 A Yes.</p> <p>3 Q And then there was also a violation of the</p> <p>4 company code of conduct with respect to conflict of</p> <p>5 interest, company accounting and reporting, privacy,</p> <p>6 respect, guidance in reporting. Right?</p> <p>7 A Yes.</p> <p>8 Q And what was that about?</p> <p>9 A The allegations that Tommy was paying</p> <p>10 someone when they were not physically working, and</p> <p>11 that he was using his son's company's employees as</p> <p>12 temp labor in the facility and paying them to do</p> <p>13 work for the plant, construction work for the plant.</p> <p>14 Q Okay. And you also have -- is that your</p> <p>15 handwriting on this document?</p> <p>16 A That is not my handwriting.</p> <p>17 Q Okay. So where it says, "3, horseplay, 4,</p> <p>18 paying five weeks," that is not your handwriting?</p> <p>19 A That is not my handwriting.</p> <p>20 Q Okay. But did you type up this document?</p> <p>21 A Yes.</p> <p>22 Q All right. And under "Related policies/</p> <p>23 procedures," it has code of conduct and harassment,</p> <p>24 looks like highlighted.</p> <p>25 A It appears to be, yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 breasts propped up on her desk with Tommy's face</p> <p>2 approximately two inches away from them.</p> <p>3 Do you recall who witness 4 is?</p> <p>4 A I don't.</p> <p>5 Q And some of these are lumped together, so</p> <p>6 I'm not going to go through those, because it's kind</p> <p>7 of hard to tell who did what. But all of these</p> <p>8 witness statements you typed in here, right?</p> <p>9 A Yes.</p> <p>10 Q All right. And these were based on your</p> <p>11 notes after you talked with them, correct?</p> <p>12 A Yes.</p> <p>13 Q Witness 7, if you could turn to the next</p> <p>14 page. Do you recall who that was who would have</p> <p>15 told you that?</p> <p>16 A Larry Eden.</p> <p>17 Q All right. Witness 1 you said was Lana.</p> <p>18 Witness 9, do you recall who -- there are two</p> <p>19 statements from witness -- there's three statements</p> <p>20 from witness 9 on Page 220.</p> <p>21 A (Reviewing document.)</p> <p>22 I can't say with certainty.</p> <p>23 Q Who do you think it is?</p> <p>24 A Keith Hall.</p> <p>25 Q You think witness 9 was Keith?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q Did you highlight those two sections?</p> <p>2 A I don't remember.</p> <p>3 Q Okay. And down in the "Case Facts," did you</p> <p>4 type up that section?</p> <p>5 A Yes.</p> <p>6 Q And who was -- do you recall who witness 1</p> <p>7 was?</p> <p>8 A I do not.</p> <p>9 Q Do you have a list somewhere that</p> <p>10 corresponds to who witness 1, 2, 3, 4, so on, were?</p> <p>11 A Yes.</p> <p>12 Q Okay. Where would that list be kept?</p> <p>13 A With the files.</p> <p>14 Q Okay. Do you recall who witness -- well,</p> <p>15 based on what it says about witness 1, does that</p> <p>16 refresh your recollection as to who it could be?</p> <p>17 A Yes. That would be Lana Potts.</p> <p>18 Q Okay. And witness 2, if you could read that</p> <p>19 and see if it refreshes your recollection as to who</p> <p>20 witness 2 is.</p> <p>21 A (Reviewing document.)</p> <p>22 I don't recall.</p> <p>23 Q Okay. Do you think that one was Helen?</p> <p>24 A I don't know.</p> <p>25 Q Okay. And witness 4 observed Susan with her</p>	<p style="text-align: right;">Page 61</p> <p>1 A I think witness 9 was Keith Hall.</p> <p>2 Q So he's observed Susan accessing his e-mail</p> <p>3 for Mr. Whited, and he had said many times, you can</p> <p>4 leave now if you don't like how I run things, or it</p> <p>5 is my way or else. And was asked to help identify</p> <p>6 which employees made undesirable comments on the</p> <p>7 employee engagement survey, on more than one</p> <p>8 occasion.</p> <p>9 A Yes.</p> <p>10 Q Okay. Now, witness 4 stated that Tommy has</p> <p>11 called him a stupid son of a bitch, among other</p> <p>12 things. Was that Mr. Kulakowski? And I'm in part</p> <p>13 basing that -- or no. Maybe it was -- I don't know</p> <p>14 who it was.</p> <p>15 A Yes. If I look at this one, witness 4 on</p> <p>16 this 221 page.</p> <p>17 Q Okay.</p> <p>18 A Yes, witness 4, Michael Kulakowski.</p> <p>19 Q Or was witness -- it's got Kuli beside</p> <p>20 witness 3.</p> <p>21 A I don't know whose handwriting that is.</p> <p>22 Q Okay. But you think witness 4 was</p> <p>23 Kulakowski?</p> <p>24 A Yes, I think witness 4 is Michael</p> <p>25 Kulakowski.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q So would witness 3 be Jerry Harville?</p> <p>2 A I believe witness 3 is Jerry Harville.</p> <p>3 Q Okay.</p> <p>4 A Yes. Jerry Harville, witness 3.</p> <p>5 Q And I guess -- you said Eden was 7.</p> <p>6 And the notes that you have written on here,</p> <p>7 these were the notes that you'd obtained as of</p> <p>8 8/16/2016. Is that fair to say?</p> <p>9 A Yes.</p> <p>10 Q And these were based on notes that you had</p> <p>11 taken from talking to these people?</p> <p>12 A Yes.</p> <p>13 Q And after getting this report, at any point</p> <p>14 in time -- before Mr. Whited's termination, at any</p> <p>15 point in time, did y'all put him on suspension while</p> <p>16 you were investigating these things or place him out</p> <p>17 of the workplace?</p> <p>18 A I don't recall.</p> <p>19 Q Well, that should be documented somewhere if</p> <p>20 y'all had suspended him pending investigation,</p> <p>21 right?</p> <p>22 A Yes. I don't recall.</p> <p>23 Q You just don't recall if he was suspended</p> <p>24 pending --</p> <p>25 A I don't recall, correct.</p>	<p style="text-align: right;">Page 64</p> <p>1 A The best I recall. I really don't remember</p> <p>2 who all was involved. I just don't remember.</p> <p>3 Q Okay. Do you recall if you received any</p> <p>4 e-mails about -- that security was going to be</p> <p>5 posted out at the plant or any new procedures or</p> <p>6 anything like that?</p> <p>7 A I don't remember.</p> <p>8 Q Have you experienced that before, where</p> <p>9 y'all have had to terminate an employee and post</p> <p>10 security at a plant?</p> <p>11 A Yes.</p> <p>12 Q What other times have y'all done that?</p> <p>13 A We have done it one other time in Gallatin.</p> <p>14 Q Who was the employee that y'all had</p> <p>15 terminated?</p> <p>16 A J.R. Sanders.</p> <p>17 Q Why did y'all do it when J.R. Sanders was</p> <p>18 terminated?</p> <p>19 A Because of the allegations.</p> <p>20 Q What was the allegation?</p> <p>21 A I don't recall specifically other than it</p> <p>22 obviously had something to do with -- it was</p> <p>23 violence.</p> <p>24 Q Okay. So, he had either committed violence</p> <p>25 or engaged in threats of violence?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q And while you're investigating, employees</p> <p>2 indicated they were fearful of Mr. Whited, right?</p> <p>3 A Yes.</p> <p>4 Q What were they fearful of, that you can</p> <p>5 recall?</p> <p>6 A Being terminated, I recall that. And one</p> <p>7 indicated he thought he might get him.</p> <p>8 Q Was that Mr. Kulakowski?</p> <p>9 A Yes.</p> <p>10 Q So, he was afraid of some sort of physical</p> <p>11 violence or harm?</p> <p>12 A Yes. He made mention.</p> <p>13 Q After you terminated -- after y'all had made</p> <p>14 the decision to terminate Mr. Whited, is that why</p> <p>15 y'all brought security out to the plant?</p> <p>16 A We did bring security, yes.</p> <p>17 Q Why did you do that?</p> <p>18 A I wasn't on that call.</p> <p>19 Q Okay. How long was security posted out at</p> <p>20 the plant?</p> <p>21 A I don't remember.</p> <p>22 Q Who would know about that?</p> <p>23 A Melinda McGraw.</p> <p>24 Q As far as you know, she was the one involved</p> <p>25 in that decision?</p>	<p style="text-align: right;">Page 65</p> <p>1 A I don't know. Keith Hall and Al Hasbrouck,</p> <p>2 the plant manager and general manager, had concerns.</p> <p>3 I don't remember his specific termination reason,</p> <p>4 but they had concerns.</p> <p>5 Q Okay. Do y'all have a particular custom or</p> <p>6 policy that y'all would follow when you decide that</p> <p>7 you need to post security out at a facility after</p> <p>8 the termination of an employee?</p> <p>9 A I don't understand the question.</p> <p>10 Q Well, do y'all have a specific policy in</p> <p>11 place that if certain types of allegations have been</p> <p>12 made, we're going to post security or anything like</p> <p>13 that? Or is it just a case-by-case basis?</p> <p>14 A There may be something in our safety policy,</p> <p>15 but I don't -- I don't recall at this time.</p> <p>16 Q Okay. Would you say that it's more an</p> <p>17 unusual thing for y'all to post security out at a</p> <p>18 facility after an employee's termination?</p> <p>19 A I wouldn't consider it unusual, no.</p> <p>20 Q So y'all do that frequently?</p> <p>21 A I didn't say that. I just don't feel that</p> <p>22 it's unusual.</p> <p>23 Q Why do you not feel it's unusual?</p> <p>24 A Because in this day and time, if we need to,</p> <p>25 we will. But I don't think it's unusual.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q Well, you've only had it happen twice.</p> <p>2 A That I can recall.</p> <p>3 Q That you can recall, okay.</p> <p>4 A And that's just the facilities that I am</p> <p>5 responsible for.</p> <p>6 Q Sure.</p> <p>7 A I remembered another time.</p> <p>8 Q Okay. You said you remembered another time.</p> <p>9 Tell me about that.</p> <p>10 A At Chattanooga, we had security come out.</p> <p>11 Q Okay. What was the context of that</p> <p>12 situation?</p> <p>13 A It was a termination of an employee.</p> <p>14 Q Were they -- was it a violent -- concerns</p> <p>15 about violence with them, too?</p> <p>16 MS. DOHNER SMITH: Objection.</p> <p>17 THE WITNESS: I don't recall, but I</p> <p>18 remember we did have security at that facility at</p> <p>19 one time on a termination.</p> <p>20 BY MS. COLLINS:</p> <p>21 Q Was it -- do you recall if it was a</p> <p>22 high-level employee?</p> <p>23 A No. I recall that it was an hourly</p> <p>24 employee.</p> <p>25 Q Okay. And J.R. Sanders, he was an hourly</p>	<p style="text-align: right;">Page 68</p> <p>1 (Marked Exhibit No. 17.)</p> <p>2 BY MS. COLLINS:</p> <p>3 Q Do you recognize this document?</p> <p>4 A Yes.</p> <p>5 Q Who was this that you had talked to? "I</p> <p>6 just got off the phone with J.C."</p> <p>7 A J.C. Cox.</p> <p>8 Q Okay. And this e-mail that you sent on</p> <p>9 August 18th, that was the day that you talked with</p> <p>10 Mr. Cox?</p> <p>11 A Yes.</p> <p>12 Q Is this the only time that you talked with</p> <p>13 Mr. Cox with respect to the Whited investigation?</p> <p>14 A Yes.</p> <p>15 Q Now, you noted in this e-mail -- first, were</p> <p>16 these the only notes that you created from this</p> <p>17 conversation?</p> <p>18 A I don't recall.</p> <p>19 Q Okay. If you had created other notes, would</p> <p>20 you have put them in your file?</p> <p>21 A Yes.</p> <p>22 Q Okay. And he mentioned -- or you recorded</p> <p>23 in this e-mail that he had said he has seen</p> <p>24 horseplay, but nothing that would be considered</p> <p>25 inappropriate.</p>
<p style="text-align: right;">Page 67</p> <p>1 employee as well, right?</p> <p>2 A Yes.</p> <p>3 Q So it's not something y'all just do if it's</p> <p>4 a general manager, right?</p> <p>5 MS. DOHNER SMITH: Objection.</p> <p>6 THE WITNESS: Rephrase. Or please</p> <p>7 re-ask the question.</p> <p>8 BY MS. COLLINS:</p> <p>9 Q Having security brought out to a plant after</p> <p>10 a termination, that's not something y'all do as a</p> <p>11 matter of course or just because you've let go a</p> <p>12 plant manager, right, or general manager?</p> <p>13 A Correct.</p> <p>14 Q It depends on the situation.</p> <p>15 A Yes.</p> <p>16 Q Okay. Or I guess I should say, it depends</p> <p>17 on the employee and the context of that situation.</p> <p>18 A Not necessarily the employee. The</p> <p>19 situation.</p> <p>20 Q Right. What happened with that employee,</p> <p>21 right?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 MS. COLLINS: Let's mark the next</p> <p>25 document as Exhibit 17.</p>	<p style="text-align: right;">Page 69</p> <p>1 Do you recall any specifics as to what sort</p> <p>2 of horseplay he had seen?</p> <p>3 A I don't recall.</p> <p>4 Q Did you ask him who had engaged in</p> <p>5 horseplay?</p> <p>6 A I don't recall.</p> <p>7 Q Would there be anything else you could look</p> <p>8 at to help refresh your recollection as to what you</p> <p>9 talked about with J.C. Cox?</p> <p>10 A Maybe.</p> <p>11 Q What?</p> <p>12 A The investigation notes.</p> <p>13 Q The ones we just went through? Well, the</p> <p>14 ones that came after this?</p> <p>15 A Yes.</p> <p>16 Q Okay. All right. And when you have the</p> <p>17 initials in this report, "he has no proof nor seen</p> <p>18 anything between S.H. and T.W...." is that Susan</p> <p>19 Hart and Tommy Whited?</p> <p>20 A Yes.</p> <p>21 Q And at the bottom of this e-mail from</p> <p>22 August 18, 2016, Ms. McGraw says, "I think you may</p> <p>23 have to bite the bullet and go investigate because</p> <p>24 who knows if they'll call you back."</p> <p>25 So, up to this point, had you just made</p>

<p style="text-align: right;">Page 70</p> <p>1 phone calls about -- with employees about what was 2 going on or had you -- 3 A No. 4 Q Okay. You'd gone out to the plant? 5 A Yes. 6 Q And was it to talk with the people we've 7 already talked about, Lana Potts and Jerry Harville 8 and those six? 9 A Repeat the question. 10 Q Before August 18th, had you already gone 11 out and talked -- had you already gone out to the 12 plant and met with some of the employees? 13 A Yes. 14 Q Okay. 15 MS. COLLINS: All right. Let's mark 16 the next document as Exhibit 18. 17 (Marked Exhibit No. 18.) 18 BY MS. COLLINS: 19 Q Are these your other notes that you 20 mentioned a minute ago? 21 A These are additional notes, yes. 22 Q Okay. And did you create these notes as you 23 were talking to the people or after you talked to 24 the people? 25 A I don't recall.</p>	<p style="text-align: right;">Page 72</p> <p>1 BY MS. COLLINS: 2 Q Do you know if you would have provided him 3 examples of what you meant by horseplay? 4 A It's possible. 5 Q But you just don't know? 6 A I don't recall. 7 Q All right. Did you record any of these 8 conversations, audio record them? 9 A No. 10 Q And then it says, "When asked did you 11 witness horseplay that resulted in an employee 12 ending up on the ground, he said no..." 13 Was that -- did you give him any specifics 14 about that or did you just say exactly what you have 15 recorded there? 16 A I would have asked exactly what is right 17 there. 18 Q Okay. All right. August 18th, was that 19 the day that you spoke with Terry Stafford? 20 A Yes. 21 Q About how long was your conversation with 22 Terry Stafford? 23 A His would have -- brief. Maybe 10, 15 24 minutes max. 25 Q Doesn't look like he had a lot to say other</p>
<p style="text-align: right;">Page 71</p> <p>1 Q All right. The -- for each name, you have a 2 date that looks like it was longer ago. Is that 3 when they started working for WestRock or RockTenn? 4 Like by Donnie Taylor, it says 8/8/94. 5 A I can only assume. That appears to being 6 their hire date. 7 Q But these are your notes, right? 8 A These are my notes. 9 Q And you created this document, right? 10 A Yes. 11 Q So, when you talked with J.C. Cox, you said, 12 "When asked about inappropriate horseplay, he said 13 they cut up but nothing physical." 14 Did you get any specifics from him by what 15 he meant by horseplay or how they cut up? 16 A Repeat the question, please. 17 (The requested question was read back 18 by the court reporter as follows: 19 "Question: So, when you talked with 20 J.C. Cox, you said, 'When asked about inappropriate 21 horseplay, he said they cut up but nothing 22 physical.' 23 Did you get any specifics from him by 24 what he meant by horseplay or how they cut up?") 25 THE WITNESS: I don't recall.</p>	<p style="text-align: right;">Page 73</p> <p>1 than naw. Is that fair to say? 2 A That's fair to say. 3 Q Did it seem like he didn't want to get 4 involved? 5 A I don't know. 6 Q Okay. Did you ask him specifically if he'd 7 witnessed Tommy Whited kicking Michael Kulakowski in 8 the groin? 9 A I did not use Kulakowski's name. 10 Q Did you ask him specifically if he had seen 11 Tommy Whited kick another employee in the groin? 12 A No. 13 Q Okay. And Donnie Taylor, when you met with 14 him, about how long did you talk with him? 15 A I believe this phone conversation was 16 possibly 30 minutes. 17 Q Okay. Were all three of these phone 18 conversations? 19 A Yes. 20 Q And he said that he had witnessed 21 inappropriate behavior in the form of Tommy kicking 22 W4, an employee, W4. And that would be Michael 23 Kulakowski, right? Or was W4 Jerry Harville? 24 MS. DOHNER SMITH: I think W4 was 25 Mr. Kulakowski.</p>

<p style="text-align: right;">Page 74</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Yeah. W4 was Kulakowski, right?</p> <p>3 A Yes.</p> <p>4 Q So he specifically identified Michael</p> <p>5 Kulakowski?</p> <p>6 A Yes.</p> <p>7 Q All right. And he also stated that he had</p> <p>8 witnessed the kicking in the groin area on more than</p> <p>9 one occasion?</p> <p>10 A Yes.</p> <p>11 Q That's a violation of WestRock policy,</p> <p>12 right, the kicking in the groin?</p> <p>13 A Yes.</p> <p>14 Q Did you talk with him again after this phone</p> <p>15 conversation? Did you meet with him?</p> <p>16 A Yes.</p> <p>17 Q Out at the sheet plant?</p> <p>18 A No.</p> <p>19 Q Where did you meet with him?</p> <p>20 A Fulfillment.</p> <p>21 Q Okay. Was that before Mr. Whited was fired?</p> <p>22 A Yes.</p> <p>23 Q Other than Lana Potts, do you recall if you</p> <p>24 got a signed or written statement from any of these</p> <p>25 other employees?</p>	<p style="text-align: right;">Page 76</p> <p>1 right?</p> <p>2 A At that time, yes.</p> <p>3 Q And her boss at that time was?</p> <p>4 A Joy Jones.</p> <p>5 Q And who would legal have been?</p> <p>6 A Stacey Moulton.</p> <p>7 Q Is Ms. Moulton no longer with the company?</p> <p>8 A Correct.</p> <p>9 Q And on the last page of the document, the</p> <p>10 Summary of Findings/Conclusion, were these all the</p> <p>11 policies that he had violated?</p> <p>12 A Conflict of interest was not confirmed.</p> <p>13 Q Okay. But the others were?</p> <p>14 A Yes.</p> <p>15 Q Okay. And where it says, Workplace</p> <p>16 Violence/Horseplay, was that with respect to him</p> <p>17 kicking and hitting other male employees in the</p> <p>18 groin?</p> <p>19 A Yes.</p> <p>20 Q Why wasn't that a violation of -- why didn't</p> <p>21 y'all note that as a violation of the sexual</p> <p>22 harassment policy?</p> <p>23 MS. DOHNER SMITH: Objection.</p> <p>24 THE WITNESS: I don't know.</p> <p>25</p>
<p style="text-align: right;">Page 75</p> <p>1 A I don't recall, no.</p> <p>2 Q Okay. And you didn't have any handwritten</p> <p>3 notes that you base this off of, did you?</p> <p>4 A I don't recall.</p> <p>5 Q Okay.</p> <p>6 MS. COLLINS: Let's mark the next</p> <p>7 document as Exhibit 19.</p> <p>8 (Marked Exhibit No. 19.)</p> <p>9 BY MS. COLLINS:</p> <p>10 Q Have you seen this document before?</p> <p>11 A Yes.</p> <p>12 Q Okay. And was this the final investigation</p> <p>13 summary report that you did?</p> <p>14 A It appears to be.</p> <p>15 Q And so this one would have incorporated</p> <p>16 additional information that you had obtained since</p> <p>17 you did the initial draft, right?</p> <p>18 A Yes.</p> <p>19 Q Who did you send this report to?</p> <p>20 A I don't remember.</p> <p>21 Q Who would you typically send a report like</p> <p>22 this to?</p> <p>23 A It could have been my boss. It could have</p> <p>24 been her boss. It could have been legal.</p> <p>25 Q Okay. And your boss is Melinda McGraw,</p>	<p style="text-align: right;">Page 77</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Who made the decision to put that Workplace</p> <p>3 Violence/Horseplay?</p> <p>4 A That note?</p> <p>5 Q Yes.</p> <p>6 A That's my note. I put that in there.</p> <p>7 Q Okay. And that was confirmed, that he had</p> <p>8 violated that policy, right?</p> <p>9 A Yes.</p> <p>10 Q And what would be your definition, or what</p> <p>11 did you consider horseplay to be?</p> <p>12 A My definition of horseplay?</p> <p>13 Q Yeah. When you listed Workplace</p> <p>14 Violence/Horseplay, what did you consider to be</p> <p>15 horseplay?</p> <p>16 A Goofing off.</p> <p>17 Q What does that consist of?</p> <p>18 A Could consist of a lot of things, I guess.</p> <p>19 Q Well, with respect to what you wrote here,</p> <p>20 Workplace Violence/Horseplay, what horseplay?</p> <p>21 A Punching in the shoulder or, you know,</p> <p>22 there's lots of things that horseplay could be.</p> <p>23 Q I'm talking about specifically what you</p> <p>24 reference here that was a confirmed violation of</p> <p>25 company policy, and you have horseplay specifically</p>

<p style="text-align: right;">Page 78</p> <p>1 listed.</p> <p>2 So specifically with respect to Tommy</p> <p>3 Whited, what horseplay constituted a policy</p> <p>4 violation? What conduct did he engage in that</p> <p>5 constituted horseplay?</p> <p>6 A Kicking an employee out of their chair</p> <p>7 constitutes horseplay. Private areas, knocking a</p> <p>8 bump cap off an employee's head.</p> <p>9 Q When you said private areas, what do you</p> <p>10 mean?</p> <p>11 A The groin area.</p> <p>12 Q Okay. What else?</p> <p>13 A That's all I recall from this.</p> <p>14 Q Okay.</p> <p>15 MS. COLLINS: Let's mark the next</p> <p>16 document as Exhibit 20.</p> <p>17 (Marked Exhibit No. 20.)</p> <p>18 BY MS. COLLINS:</p> <p>19 Q Have you seen this document before?</p> <p>20 A Yes.</p> <p>21 Q Is that your company e-mail address?</p> <p>22 A Yes.</p> <p>23 Q Okay. So, it looks like on August 26, you</p> <p>24 told Ms. McGraw that -- you said you added kicked.</p> <p>25 What did you add kicked to?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q These are notes from your conversation with</p> <p>2 him?</p> <p>3 A These are notes on a conversation where</p> <p>4 Melinda McGraw and Tom Pedine were present.</p> <p>5 Q Did you talk with him or did they primarily</p> <p>6 talk to him?</p> <p>7 A I don't remember, but we were all three</p> <p>8 together in the same room.</p> <p>9 Q Where were y'all?</p> <p>10 A Fulfillment.</p> <p>11 Q Did you take any other notes besides these?</p> <p>12 When you were meeting with Michael Kulakowski on</p> <p>13 August 26 at 3:10 p.m.?</p> <p>14 A No. These would be the notes that I took.</p> <p>15 Q Did you take any handwritten notes?</p> <p>16 A No.</p> <p>17 Q Did Mr. Pedine or Melinda McGraw take any</p> <p>18 notes?</p> <p>19 A I don't remember.</p> <p>20 Q So these are all the -- everything that you</p> <p>21 recorded here were things that Mr. Kulakowski said</p> <p>22 during the meeting, right?</p> <p>23 A Yes.</p> <p>24 Q Do you recall Mr. Pedine asking him why</p> <p>25 didn't he just quit if it was that bad, or something</p>
<p style="text-align: right;">Page 79</p> <p>1 A The list of questions she was going to ask</p> <p>2 Tommy.</p> <p>3 Q Okay. Were you present when she met with</p> <p>4 him to question him?</p> <p>5 A Yes.</p> <p>6 Q Who else was present?</p> <p>7 A Tom Pedine.</p> <p>8 Q So, on Friday, August 26, was that the date</p> <p>9 that you met with Tommy Whited?</p> <p>10 A Yes.</p> <p>11 Q Okay.</p> <p>12 MS. COLLINS: Let's mark the next one</p> <p>13 as Exhibit 21.</p> <p>14 (Marked Exhibit No. 21.)</p> <p>15 BY MS. COLLINS:</p> <p>16 Q Have you seen this document before that's</p> <p>17 been marked as Exhibit Number 21?</p> <p>18 A Yes.</p> <p>19 Q And are these notes that you created?</p> <p>20 A Yes.</p> <p>21 Q Let's start at the top. On August 26, 2016,</p> <p>22 it says "M.K." Is that Michael Kulakowski?</p> <p>23 A Yes.</p> <p>24 Q And did you meet with him at 3:10 p.m.?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 to that effect?</p> <p>2 A Something to that effect, yes.</p> <p>3 Q Tell me what you recall.</p> <p>4 A I don't recall the exact words, but</p> <p>5 something of the nature of if it was this bad, you</p> <p>6 know, why would you not have quit? And again, I</p> <p>7 don't recall -- that's not verbatim.</p> <p>8 Q Sure. Do you recall Mr. Kulakowski's</p> <p>9 response?</p> <p>10 A Only if it's in this.</p> <p>11 (Reviewing document.)</p> <p>12 It doesn't appear.</p> <p>13 Q That you recorded his response,</p> <p>14 Mr. Kulakowski's response?</p> <p>15 A Not at first glance.</p> <p>16 Q Okay. And you didn't record that Mr. Pedine</p> <p>17 asked him that question, right? You just recall</p> <p>18 that he did ask him something to that effect?</p> <p>19 A Correct.</p> <p>20 Q Okay. Do you think that was an appropriate</p> <p>21 thing to be asked?</p> <p>22 MS. DOHNER SMITH: Objection.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. COLLINS:</p> <p>25 Q Okay. Why not?</p>

<p style="text-align: right;">Page 82</p> <p>1 A Well, I can't speak for Tom, but he was</p> <p>2 asking -- he was trying to figure out what was going</p> <p>3 on with Kulakowski and his thought process. But I</p> <p>4 can't speak for Tom.</p> <p>5 Q You would agree with me that an employee who</p> <p>6 is being harassed or kicked by their boss shouldn't</p> <p>7 have to quit to get away from it, right?</p> <p>8 A I agree.</p> <p>9 Q Okay. And you also have that -- going down</p> <p>10 the page, you have Donnie Taylor at 4:10 p.m.</p> <p>11 A Yes.</p> <p>12 Q So was that when y'all -- did all three of</p> <p>13 y'all meet and talk with Donnie Taylor as well, or</p> <p>14 just you?</p> <p>15 A I believe the three of us were in the room.</p> <p>16 Someone could have left. I don't recall</p> <p>17 specifically. But it was the same day.</p> <p>18 Q Now, did you find Mr. Taylor to be credible?</p> <p>19 A Yes.</p> <p>20 Q Did you find Mr. Kulakowski to be credible</p> <p>21 when y'all met with him?</p> <p>22 A Yes.</p> <p>23 Q And did you record -- is this the general</p> <p>24 substance of the things that Mr. Taylor told you on</p> <p>25 that day?</p>	<p style="text-align: right;">Page 84</p> <p>1 more about that?</p> <p>2 A I don't recall.</p> <p>3 Q But did you get the impression from</p> <p>4 Mr. Taylor that it wasn't funny, what Mr. Whited was</p> <p>5 doing to these people, when he would hit them and</p> <p>6 kick them?</p> <p>7 A Yes.</p> <p>8 Q And he also, Mr. Taylor also said that -- if</p> <p>9 you go to the next page, 233, that he had also been</p> <p>10 slapped in the head.</p> <p>11 A Yes.</p> <p>12 Q And it says, "He slapped T.W. in leg," and</p> <p>13 "slapped him in nuts."</p> <p>14 Does that mean that Tommy Whited had also</p> <p>15 hit him in the testicles?</p> <p>16 A Repeat the question, please.</p> <p>17 Q Had he also complained that Tommy Whited had</p> <p>18 hit him in the testicles?</p> <p>19 A Yes.</p> <p>20 Q Is he still working there?</p> <p>21 A Donnie?</p> <p>22 Q Yes, Donnie.</p> <p>23 A Yes.</p> <p>24 MS. COLLINS: The next document, let's</p> <p>25 mark this as Exhibit 22.</p>
<p style="text-align: right;">Page 83</p> <p>1 A Yes.</p> <p>2 Q And this was also on August 26th, correct?</p> <p>3 A Yes.</p> <p>4 Q And this was an in-person meeting, right?</p> <p>5 A Yes.</p> <p>6 Q And he had verified that he had seen</p> <p>7 Mr. Kulakowski get slapped on the back of the head,</p> <p>8 slapped in the nuts, kicked in the nuts, right?</p> <p>9 A Yes.</p> <p>10 Q And he also said that he'd never heard</p> <p>11 Mr. Whited apologize to Mr. Kulakowski for doing</p> <p>12 those things, right?</p> <p>13 A Correct.</p> <p>14 Q Okay. And he also stated that "I have heard</p> <p>15 Tommy say, I ought to just fire him," referring to</p> <p>16 Michael Kulakowski, and he "puts a lot of pressure</p> <p>17 and jobs on Kuli."</p> <p>18 A Yes.</p> <p>19 Q Was there anything else about that that you</p> <p>20 can recall him saying?</p> <p>21 A I don't recall.</p> <p>22 Q And he said that he messes with a lot of</p> <p>23 people, but further on down the line he is serious</p> <p>24 and isn't horseplay anymore.</p> <p>25 What did that mean? Or did y'all ask him</p>	<p style="text-align: right;">Page 85</p> <p>1 (Marked Exhibit No. 22.)</p> <p>2 BY MS. COLLINS:</p> <p>3 Q Okay. Do you recognize this document?</p> <p>4 A Yes.</p> <p>5 Q Did you create this document?</p> <p>6 A Yes.</p> <p>7 Q Did you have any help creating this or were</p> <p>8 these just contemporaneous notes you made during</p> <p>9 your meeting with Tommy Whited?</p> <p>10 A I'm not sure I understand.</p> <p>11 Q Are these the notes that you took at the</p> <p>12 time that you met with Tommy Whited?</p> <p>13 A Yes.</p> <p>14 Q Was Mr. Pedine and your supervisor, Melinda</p> <p>15 McGraw, also present?</p> <p>16 A Yes.</p> <p>17 Q And this meeting, did it take place at the</p> <p>18 fulfillment center?</p> <p>19 A Yes.</p> <p>20 Q Okay. So it looks like there's questions</p> <p>21 and then you recorded answers that he gave, right?</p> <p>22 A Yes.</p> <p>23 Q Did you record this meeting with an audio?</p> <p>24 A No.</p> <p>25 Q If you could turn to the second page,</p>

<p style="text-align: right;">Page 86</p> <p>1 Page 235 down at the bottom, did you ask the 2 questions or did one of the others ask the 3 questions? 4 A I did not ask the questions. 5 Q Who asked the questions? 6 A Melinda McGraw. 7 Q It looks like Ms. McGraw asked him, "Have 8 you participated in horseplay with an employee?" 9 A Yes. 10 Q And he said, "I have not participated in 11 horseplay under the definition that I gave." 12 What does that mean? Did she define 13 horseplay for him? 14 A I don't recall that she did that. 15 Q What does that mean, "I have not participate 16 in horseplay under the definition that I gave"? 17 A I don't know. 18 Q The question was also, "Have you ever hit or 19 grabbed an employee," and he admitted that he had 20 but that -- it looks like he just smacked people on 21 the backs or on the shoulder? 22 A On the shoulder, yes. 23 Q Do you recall if y'all specifically asked 24 him if he had hit people in the groin? 25 A I don't recall.</p>	<p style="text-align: right;">Page 88</p> <p>1 BY MS. COLLINS: 2 Q What does this mean? 3 A He gave an answer. 4 Q "The action of going to do it, but they 5 don't do it, so they act like it, walking up to 6 someone and acting like it but not, and it is all 7 understood." 8 What does that mean? 9 A I remember him saying, acting like they were 10 going to do something to someone, but not physically 11 touching someone. 12 Q Okay. So he did not admit to hitting other 13 employees in the groin? 14 A He did not. 15 Q And he didn't recall hitting a hat off of 16 another employee? 17 A Not that he recalls. 18 Q And he denied kicking a chair out from under 19 an employee, right? 20 A He denied kicking the chair out. 21 Q I think you said you didn't believe some of 22 his responses. Is that right? 23 MS. DOHNER SMITH: Objection. 24 THE WITNESS: You asked if I found him 25 credible.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q Okay. Actually, it's on the next page. 2 Y'all asked him if he had ever hit an employee with 3 a broom, and he didn't recall that, right? He 4 didn't recall hitting anybody with a broom? It 5 starts at the bottom of 235 and goes to the top of 6 236. 7 A Okay. Please repeat the question. 8 Q So y'all asked him if he had ever hit an 9 employee, it says in the ass with the broom, and he 10 denied recalling doing so, right? 11 A He doesn't recall. 12 Q Did you find him to be credible when y'all 13 interviewed him? Did you find him to be honest? 14 A In the investigation? 15 Q Yes, Mr. Whited. 16 A No. 17 Q Okay. And it looks like -- I just asked you 18 a second ago about the groin question. You 19 recorded, "How about in the groin/private area, have 20 you ever hit or kicked an employee there?" 21 A Okay. 22 Q And it looks like he gave y'all kind of a 23 vague answer. Is that fair to say? 24 MS. DOHNER SMITH: Objection. 25 THE WITNESS: No.</p>	<p style="text-align: right;">Page 89</p> <p>1 BY MS. COLLINS: 2 Q And you said no, correct? 3 A Yes. 4 Q And did you believe some of his responses? 5 A I don't remember. 6 Q Do you believe -- did you believe him when 7 he said he hadn't done some of those things? 8 A I don't remember specifically. 9 Q What about sitting here today? 10 A I don't understand. 11 Q Do you believe -- where he denied doing some 12 of these things, do you believe him? 13 A I do not -- I don't know if I believe. 14 Q Why not? 15 A Because it's what I could prove, not what I 16 believe. 17 Q Okay. Multiple other employees disputed the 18 testimony that -- or the statements that he gave, 19 right? 20 MS. DOHNER SMITH: Objection. 21 BY MS. COLLINS: 22 Q About hitting in the groin? 23 A Rephrase the question. 24 Q Multiple other employees disputed his 25 testimony about hitting in the groin, correct?</p>

<p style="text-align: right;">Page 90</p> <p>1 MS. DOHNER SMITH: Objection.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MS. COLLINS:</p> <p>4 Q And it looks like y'all interviewed Susan</p> <p>5 after that, right, on Page 237?</p> <p>6 A Yes.</p> <p>7 Q Do you know if y'all asked her if she had</p> <p>8 ever seen him, Tommy Whited, hit or kick employees</p> <p>9 in the groin? I didn't see it on here.</p> <p>10 A I don't recall. It does not appear that</p> <p>11 we --</p> <p>12 (Overlapping speech.)</p> <p>13 Q Did you find her to be credible?</p> <p>14 A I don't recall.</p> <p>15 Q You don't recall if you thought that she was</p> <p>16 credible?</p> <p>17 A I don't.</p> <p>18 MS. COLLINS: Let's mark the next</p> <p>19 document as Exhibit 23.</p> <p>20 (Marked Exhibit No. 23.)</p> <p>21 BY MS. COLLINS:</p> <p>22 Q Have you seen this document before?</p> <p>23 A I believe so.</p> <p>24 Q Okay. And after -- well, before y'all</p> <p>25 terminated Mr. Whited, it looks like he had</p>	<p style="text-align: right;">Page 92</p> <p>1 A Myself, Melinda McGraw, Jeb Bell, and Tom</p> <p>2 Pedine.</p> <p>3 Q Okay.</p> <p>4 A And Tommy Whited.</p> <p>5 Q Okay. Who filled -- who typed up this</p> <p>6 document? Did you type this up?</p> <p>7 A I did not.</p> <p>8 Q Okay. And it looks like "involuntary</p> <p>9 separation" was written on there. Whose initials</p> <p>10 are those?</p> <p>11 A Melinda McGraw.</p> <p>12 Q What did it say before that?</p> <p>13 A I have no idea.</p> <p>14 Q It looks like at the top the reason for</p> <p>15 separation, the quit box was initially checked, and</p> <p>16 then the discharge box was checked and circled.</p> <p>17 Do you know if he was initially offered the</p> <p>18 opportunity to resign?</p> <p>19 A Yes.</p> <p>20 Q Why was that?</p> <p>21 A I don't know.</p> <p>22 Q Was he offered a separation package or a</p> <p>23 severance agreement?</p> <p>24 A Not to my knowledge.</p> <p>25 Q Did he decline to resign voluntarily?</p>
<p style="text-align: right;">Page 91</p> <p>1 communicated to Mr. Pedine -- or Ms. McGraw that he</p> <p>2 wanted to transfer Mr. Kulakowski.</p> <p>3 A I don't remember the specifics, but yes, I</p> <p>4 believe they had a conversation.</p> <p>5 Q Okay. And that was -- that attempt was</p> <p>6 blocked, to transfer him to another -- to transfer</p> <p>7 Mr. Kulakowski to another position, correct?</p> <p>8 A Correct, yes.</p> <p>9 Q Why was that? Why did y'all block that</p> <p>10 move?</p> <p>11 A I wasn't involved in that exact discussion</p> <p>12 to recall exactly.</p> <p>13 Q Did you have an understanding as to why they</p> <p>14 blocked that?</p> <p>15 A I don't remember.</p> <p>16 MS. COLLINS: Let's mark the next</p> <p>17 document as Exhibit 24.</p> <p>18 (Marked Exhibit No. 24.)</p> <p>19 BY MS. COLLINS:</p> <p>20 Q Have you seen this document before?</p> <p>21 A Yes, ma'am.</p> <p>22 Q Were you present the day Tommy Whited was</p> <p>23 terminated?</p> <p>24 A Yes.</p> <p>25 Q Okay. Who all was present?</p>	<p style="text-align: right;">Page 93</p> <p>1 A Per this document, it appears that way.</p> <p>2 Q Okay. Do you know why he was given that</p> <p>3 choice?</p> <p>4 A I do not.</p> <p>5 Q Were you involved in any discussions about</p> <p>6 giving him the choice?</p> <p>7 A I was not.</p> <p>8 Q Who would be involved in that?</p> <p>9 A I can only assume Melinda McGraw, maybe Tom,</p> <p>10 maybe Jeb Bell. I don't know.</p> <p>11 MS. COLLINS: Okay. Let's mark the</p> <p>12 next one as Exhibit 25.</p> <p>13 (Marked Exhibit No. 25.)</p> <p>14 BY MS. COLLINS:</p> <p>15 Q Have you seen this document before?</p> <p>16 A Yes.</p> <p>17 Q Okay. I'm going to start on the seventh</p> <p>18 page, which is the earliest in time, the last page.</p> <p>19 Was this the Speak Up! e-mail that you were talking</p> <p>20 about --</p> <p>21 A Yes.</p> <p>22 Q -- that started everything?</p> <p>23 A Yes.</p> <p>24 Q Okay. And if you could just -- we're going</p> <p>25 to go through them backwards to forwards.</p>

<p style="text-align: right;">Page 94</p> <p>1 A All right.</p> <p>2 Q So, the first time you got this complaint,</p> <p>3 is it fair to say you got it on August 11th, or do</p> <p>4 you think you got it before that?</p> <p>5 A I'm not sure.</p> <p>6 Q Okay. Now, if you could turn to the next</p> <p>7 page, 201 down at the bottom, it looks like on</p> <p>8 August 11th, you said you were going out there</p> <p>9 tomorrow. And that was the Gallatin plant, right?</p> <p>10 A Yes.</p> <p>11 Q And you said, "She didn't want to talk on</p> <p>12 the phone, as it was not private, but she was loud</p> <p>13 when she said, 'escaping from a toxic environment</p> <p>14 and had a better job opportunity...'"</p> <p>15 Was that Lana?</p> <p>16 A No, ma'am.</p> <p>17 Q Who was that?</p> <p>18 A Johanna Crowder.</p> <p>19 Q Johanna, okay. And at this point, do you</p> <p>20 recall if you had talked with any other employees,</p> <p>21 on August 11th, beside Johanna?</p> <p>22 A It appears -- no.</p> <p>23 Q And then it looks like that later that</p> <p>24 afternoon, Joy Jones said, you know, there was at</p> <p>25 least enough to let them know there was a problem.</p>	<p style="text-align: right;">Page 96</p> <p>1 A I don't recall. I would need to look at</p> <p>2 notes.</p> <p>3 Q What notes would you need to look at?</p> <p>4 A One of the previous ones that we had, that</p> <p>5 had the -- there was one that had four people that I</p> <p>6 talked to via phone.</p> <p>7 Q Okay. It wasn't one of the ones we've</p> <p>8 already gone over?</p> <p>9 A Yes.</p> <p>10 Q It was one of the ones we've already gone</p> <p>11 over?</p> <p>12 A Yes.</p> <p>13 Q Was it Exhibit Number 18 where you had</p> <p>14 "Tommy Davis, not able to touch base with him"? Was</p> <p>15 it him?</p> <p>16 A I can't say with certainty, but based on</p> <p>17 this e-mail, I never spoke with him. He never</p> <p>18 returned my call.</p> <p>19 Q You never talked to Tommy Davis?</p> <p>20 A Not -- no, I did not.</p> <p>21 Q Okay. Who told you that Mike White is very</p> <p>22 tight with Tommy?</p> <p>23 A I don't remember.</p> <p>24 Q And on August 22nd, you state in this</p> <p>25 e-mail that "this employee stated that he has</p>
<p style="text-align: right;">Page 95</p> <p>1 And then at that point did you proceed further with</p> <p>2 the investigation?</p> <p>3 A Yes.</p> <p>4 Q And on August 19th, it looks like Melinda</p> <p>5 McGraw wrote to Joy that you had spoken with two of</p> <p>6 the four alleged witnesses, but neither had</p> <p>7 substantiated Mike's statement.</p> <p>8 What Mike are you referring to? Michael</p> <p>9 Kulakowski or Mike White or who?</p> <p>10 A Melinda wrote that. I can only assume she</p> <p>11 meant Michael Kulakowski.</p> <p>12 Q Okay. And just skipping to the first page,</p> <p>13 it looks like on August 22nd, you sent them an</p> <p>14 e-mail saying you just got off the phone with the</p> <p>15 third employee.</p> <p>16 Who was that?</p> <p>17 A I don't know.</p> <p>18 Q Was that Jerry Harville?</p> <p>19 A No. I talked to Jerry Harville in person.</p> <p>20 Q Okay. And you also noted that "it may be</p> <p>21 that he is unwilling to call me due to being related</p> <p>22 to the facility manager, Mike White, as Mike is very</p> <p>23 tight with Tommy."</p> <p>24 When you were saying I've still not been</p> <p>25 able to touch base with the fourth, who was that?</p>	<p style="text-align: right;">Page 97</p> <p>1 witnessed inappropriate behavior/horseplay in the</p> <p>2 form of Tommy kicking an employee (W4) in the groin,</p> <p>3 smacking the employee in the back of the head and</p> <p>4 punching the employee in the arm/shoulder area. He</p> <p>5 can't recall the dates, but the most recent was a</p> <p>6 few months ago. He stated he has witnessed the</p> <p>7 kicking in the groin area on more than one</p> <p>8 occasion."</p> <p>9 Do you recall -- do you know who that was?</p> <p>10 Does that help refresh your recollection?</p> <p>11 A If I could see that.</p> <p>12 Q Sure. Exhibit 18.</p> <p>13 A Donnie Taylor.</p> <p>14 Q Okay.</p> <p>15 MS. COLLINS: Let's mark the next one</p> <p>16 as Exhibit 26.</p> <p>17 (Marked Exhibit No. 26.)</p> <p>18 BY MS. COLLINS:</p> <p>19 Q Do you recognize this document?</p> <p>20 A Uh-huh.</p> <p>21 Q Are these some more of your notes and</p> <p>22 e-mails you sent about the Whited investigation?</p> <p>23 A Yes.</p> <p>24 Q And on August 17th, you had talked -- had</p> <p>25 you talked with Michael Kulakowski that day?</p>

<p style="text-align: right;">Page 98</p> <p>1 A Yes.</p> <p>2 Q Was this the day that you talked with him on</p> <p>3 the phone?</p> <p>4 A I don't know for sure.</p> <p>5 Q Okay. Now, on the next page, Page 207,</p> <p>6 there's an e-mail from Joy Jones to Melinda McGraw,</p> <p>7 and it asks, "Do you know the names of the employees</p> <p>8 referenced below?"</p> <p>9 Do you know if there were any employees</p> <p>10 referenced initially?</p> <p>11 A In the Speak Up! call?</p> <p>12 Q Yes.</p> <p>13 A Their names were not referenced in the</p> <p>14 Speak Up! call.</p> <p>15 Q Are there any names that were previously</p> <p>16 referenced before August 9th that you can think of</p> <p>17 or know of?</p> <p>18 A I'm not sure I understand.</p> <p>19 Q Well, on August 9th, had you gotten -- you</p> <p>20 probably just don't know. I mean, it's not -- I was</p> <p>21 just trying to figure something out. It's okay.</p> <p>22 Let's move on.</p> <p>23 MS. COLLINS: Let's mark the next</p> <p>24 document as Exhibit 27.</p> <p>25 (Marked Exhibit No. 27.)</p>	<p style="text-align: right;">Page 100</p> <p>1 record.</p> <p>2 We just fixed Exhibits 26 and 27. So</p> <p>3 now Exhibit 26, it's Bates range 207 and 206. And</p> <p>4 then Exhibit Number 27 is Bates range 208 to 214.</p> <p>5 BY MS. COLLINS:</p> <p>6 Q All right. Ms. Henley, now, we've gone</p> <p>7 through the first page that's labeled page --</p> <p>8 WestRock 208. These are your notes from</p> <p>9 August 17th with Michael Kulakowski, correct?</p> <p>10 A Yes, they're notes from Kulakowski.</p> <p>11 Q And you met with him on August 17th, 2016,</p> <p>12 correct?</p> <p>13 A I don't remember which date I talked to him</p> <p>14 on the phone and which date was in person.</p> <p>15 Q Okay. And your notes from your conversation</p> <p>16 with him go through what's labeled WestRock 208</p> <p>17 through 209, correct? Well, and the top of 210.</p> <p>18 A Yes, to the top of 210.</p> <p>19 Q Okay. And when you talked with him on</p> <p>20 August 17th, 2016, he had told you about the name</p> <p>21 calling and the hitting and the smacking and the</p> <p>22 kicking by Mr. Whited against him, right?</p> <p>23 A Repeat the question, please, ma'am.</p> <p>24 Q When you talked with Mr. Kulakowski on</p> <p>25 August 17th, 2016, he told you that he was afraid</p>
<p style="text-align: right;">Page 99</p> <p>1 BY MS. COLLINS:</p> <p>2 Q Do you recognize this document?</p> <p>3 A Yes.</p> <p>4 Q And are these more notes that you had sent?</p> <p>5 A These are the notes from the investigation</p> <p>6 and I sent them to myself, my typed notes.</p> <p>7 MS. COLLINS: You know what, Mary, we</p> <p>8 were talking earlier about the disconnect between</p> <p>9 the pages.</p> <p>10 MS. DOHNER SMITH: Yes.</p> <p>11 MS. COLLINS: I think that this -- the</p> <p>12 first page of Exhibit 26 is the first page of this</p> <p>13 one. And so then I'm just not sure what the -- what</p> <p>14 207 goes to, but I think it looks like this is what</p> <p>15 the first page, looks like 208, because these are</p> <p>16 her notes from Kulakowski.</p> <p>17 MS. DOHNER SMITH: Yeah.</p> <p>18 MS. COLLINS: Does that sound right to</p> <p>19 you?</p> <p>20 MS. DOHNER SMITH: That looks like,</p> <p>21 yes.</p> <p>22 MS. COLLINS: Okay. Let's go off the</p> <p>23 record for one second.</p> <p>24 (Discussion off the record.)</p> <p>25 MS. COLLINS: Let's go back on the</p>	<p style="text-align: right;">Page 101</p> <p>1 of Mr. Whited, right? That's on the first page.</p> <p>2 A Yes.</p> <p>3 Q And he also told you that Mr. Whited called</p> <p>4 him different names and threw a helmet at him. It's</p> <p>5 on the first page.</p> <p>6 A Yes.</p> <p>7 Q Okay. And that he had been kicked in the</p> <p>8 groin.</p> <p>9 A Yes.</p> <p>10 Q And that Mr. Whited had grabbed his zipper</p> <p>11 and asked him to come into the bathroom to do this.</p> <p>12 Do you know what he meant by that?</p> <p>13 A He stated Tommy grabbed Tommy's zipper.</p> <p>14 Q Tommy grabbed his own zipper?</p> <p>15 A Yes.</p> <p>16 Q And asked Mr. Kulakowski to come into the</p> <p>17 bathroom and, quote, do this?</p> <p>18 A Yes, that is what Kulakowski said.</p> <p>19 Q Did you ask him what he meant by do this?</p> <p>20 A I don't recall if I asked him that</p> <p>21 specifically.</p> <p>22 Q What did you take that to understand that</p> <p>23 meant?</p> <p>24 A I didn't know at this time. When he first</p> <p>25 told it to me, I didn't understand. I misunderstood</p>

<p style="text-align: right;">Page 102</p> <p>1 him on the phone conversation.</p> <p>2 Q What do you mean?</p> <p>3 A I thought that he meant that Tommy had</p> <p>4 grabbed his zipper. I misunderstood him. He later</p> <p>5 explained -- and I don't recall if it's in this --</p> <p>6 that Tommy grabbed his own zipper while going into</p> <p>7 the bathroom.</p> <p>8 Q And said something -- it says, "shake in his</p> <p>9 pants." "Asking him to come into the bathroom to do</p> <p>10 this; shake in his pants."</p> <p>11 A Grab the zipper, shook it, like his pants.</p> <p>12 Q So it was like he was requesting</p> <p>13 Mr. Kulakowski come in the bathroom with him?</p> <p>14 A I don't know exactly what he was doing.</p> <p>15 Q Is that what you took that to mean?</p> <p>16 A Repeat it, the question.</p> <p>17 Q Is that what you took that to mean, that he</p> <p>18 was shaking his -- that Mr. Whited was shaking his</p> <p>19 groin area and telling him to come into the</p> <p>20 bathroom?</p> <p>21 MS. DOHNER SMITH: Objection.</p> <p>22 THE WITNESS: I don't know what Tommy</p> <p>23 meant, so I don't know.</p> <p>24 BY MS. COLLINS:</p> <p>25 Q But if Mr. Whited was shaking his -- shaking</p>	<p style="text-align: right;">Page 104</p> <p>1 structure.</p> <p>2 Q Okay.</p> <p>3 A He was told to report things to Jerry,</p> <p>4 referring to Jerry Harville, then Jerry would report</p> <p>5 to Larry Eden, and Larry would report to Tommy</p> <p>6 Whited.</p> <p>7 Q Did he say that -- did Mr. Kulakowski tell</p> <p>8 you that he had reported some of the things that had</p> <p>9 happened to him by Mr. Whited to those people?</p> <p>10 A He told me he told Jerry Harville.</p> <p>11 Q Did he also tell you that he told Larry Eden</p> <p>12 what had been going on with him?</p> <p>13 A I don't think so. I don't know.</p> <p>14 Q And Donnie Taylor substantiated the reports</p> <p>15 that Mr. Kulakowski made about him being kicked,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q On the next page, it also looks like you</p> <p>19 spoke with Cindy Rosas.</p> <p>20 A Yes.</p> <p>21 Q Is she still there?</p> <p>22 A I believe so.</p> <p>23 Q Did you ask her if she had witnessed any</p> <p>24 hitting or kicking by Tommy Whited towards any of</p> <p>25 the male employees?</p>
<p style="text-align: right;">Page 103</p> <p>1 his own groin area and telling Mr. Kulakowski to</p> <p>2 come into the bathroom with him, implying some sort</p> <p>3 of sexual favor, that would be --</p> <p>4 MS. DOHNER SMITH: Objection.</p> <p>5 BY MS. COLLINS:</p> <p>6 Q -- inappropriate, correct?</p> <p>7 A Yes.</p> <p>8 Q And that would be sexual harassment,</p> <p>9 correct?</p> <p>10 MS. DOHNER SMITH: Objection.</p> <p>11 BY MS. COLLINS:</p> <p>12 Q If he were implying a request for a sexual</p> <p>13 favor.</p> <p>14 A Yes.</p> <p>15 Q And Mr. Kulakowski also told you that</p> <p>16 Mr. Whited had done -- had also hit Jerry Harville</p> <p>17 in the groin area, right?</p> <p>18 A Yes.</p> <p>19 Q And you were able to substantiate that</p> <p>20 allegation, correct?</p> <p>21 A Yes.</p> <p>22 Q And when he told you that he was told to</p> <p>23 report things to Jerry, to Larry, to Tommy, what do</p> <p>24 you mean -- what does that mean?</p> <p>25 A I believe I asked him his reporting</p>	<p style="text-align: right;">Page 105</p> <p>1 A Repeat the question, please, ma'am.</p> <p>2 (The requested question was read back</p> <p>3 by the court reporter as follows:</p> <p>4 "Question: Did you ask her if she had</p> <p>5 witnessed any hitting or kicking by Tommy Whited</p> <p>6 towards any of the male employees?")</p> <p>7 THE WITNESS: No.</p> <p>8 BY MS. COLLINS:</p> <p>9 Q Why not?</p> <p>10 A I asked if she witnessed any inappropriate</p> <p>11 behavior. I didn't specifically use Tommy's name in</p> <p>12 any of these questions, it appears.</p> <p>13 Q Okay. And you also didn't ask her</p> <p>14 specifically if she had witnessed any hitting or</p> <p>15 kicking of any other employees in the groin in the</p> <p>16 workplace, did you?</p> <p>17 A I'm not sure.</p> <p>18 Q On Page 4, it's got WestRock 211 down at the</p> <p>19 bottom. Are these your notes from when you talked</p> <p>20 to Jerry Harville?</p> <p>21 A Yes.</p> <p>22 Q And he substantiated that Tommy Whited had</p> <p>23 hit him in his private area, correct?</p> <p>24 A He substantiated?</p> <p>25 Q That Tommy Whited had hit him in his private</p>

<p style="text-align: right;">Page 106</p> <p>1 area.</p> <p>2 A He stated Tommy had hit him in the private</p> <p>3 area, yes.</p> <p>4 Q And he didn't report it because if he had</p> <p>5 turned it in, he thought he would lose his job,</p> <p>6 right?</p> <p>7 A Yes.</p> <p>8 Q And he was also one of the ones that</p> <p>9 substantiated that he had kicked Michael Kulakowski</p> <p>10 in his privates, right?</p> <p>11 A I don't recall if it was kicked or hit.</p> <p>12 Q It says, "Inappropriate behavior - kicked</p> <p>13 Kuli in privates as well."</p> <p>14 A Okay.</p> <p>15 Q So yes?</p> <p>16 A Yes.</p> <p>17 Q Okay. Were these the only notes you took</p> <p>18 from your conversation with Jerry Harville?</p> <p>19 A Yes.</p> <p>20 Q Would these have been on the same day that</p> <p>21 you talked with Ms. Rosas on August 15th?</p> <p>22 A Yes.</p> <p>23 Q Where did you speak with Mr. Harville? In</p> <p>24 person or on the phone?</p> <p>25 A In person.</p>	<p style="text-align: right;">Page 108</p> <p>1 A Yes.</p> <p>2 Q Okay. And it also says, "He bullies and is</p> <p>3 intimidating."</p> <p>4 Is that what Mr. Harville said about</p> <p>5 Mr. Whited?</p> <p>6 A Yes.</p> <p>7 Q Okay. Did Mr. Harville indicate to you that</p> <p>8 he had complained about Mr. Whited to Larry?</p> <p>9 A I don't recall.</p> <p>10 Q On the next page at WestRock 212, at the top</p> <p>11 of the page, it says, "Hourly employees being called</p> <p>12 all hours of the night and weekend making them work</p> <p>13 but not paid."</p> <p>14 Did Mr. Harville report that to you?</p> <p>15 A Yes.</p> <p>16 Q Did y'all investigate that, where that was</p> <p>17 actually going on?</p> <p>18 A Yes.</p> <p>19 Q What did y'all find out about that?</p> <p>20 A I don't recall.</p> <p>21 Q Who investigated that aspect of it?</p> <p>22 A I would have.</p> <p>23 Q Was that part of this Whited investigation</p> <p>24 or a separate investigation that employees were</p> <p>25 being called all hours of the night and weekend and</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Where?</p> <p>2 A Sheet plant.</p> <p>3 Q And Mr. Harville told you that he had</p> <p>4 reported to Larry Eden that his next step was going</p> <p>5 out the door, right?</p> <p>6 A Repeat the question, please.</p> <p>7 Q It says right here, "Told Larry to tell</p> <p>8 Jerry - my next step is out the door - he bullies</p> <p>9 and is intimidating."</p> <p>10 Right?</p> <p>11 A Tommy told Larry to tell Jerry. That's what</p> <p>12 Jerry stated.</p> <p>13 Q Tommy told Larry that my next step is out</p> <p>14 the door?</p> <p>15 A Tommy told Larry to tell Jerry, his next</p> <p>16 step is out the door.</p> <p>17 Q So Jerry's job was threatened? Is that what</p> <p>18 you're saying?</p> <p>19 MS. DOHNER SMITH: Objection.</p> <p>20 THE WITNESS: I'm not saying that. I'm</p> <p>21 stating that Jerry told me that Tommy told Larry to</p> <p>22 tell Jerry, my next step is out the door.</p> <p>23 BY MS. COLLINS:</p> <p>24 Q That Jerry's next step was to go out the</p> <p>25 door, right?</p>	<p style="text-align: right;">Page 109</p> <p>1 made to work but not paid?</p> <p>2 A It was part of this.</p> <p>3 Q Did y'all take any steps in response to that</p> <p>4 allegation or substantiate that allegation?</p> <p>5 A Yes.</p> <p>6 Q What happened?</p> <p>7 A We asked questions -- we asked them -- the</p> <p>8 names of the employees that were given, we asked</p> <p>9 them if that was the case or not.</p> <p>10 Q And what did y'all find out?</p> <p>11 A I don't recall.</p> <p>12 Q Do you recall who you asked about that?</p> <p>13 A I don't.</p> <p>14 Q Did y'all go back and make any adjustments</p> <p>15 to employees' paychecks that claim they had been</p> <p>16 called in all hours of the night and weekend and</p> <p>17 made to work off the clock?</p> <p>18 A No.</p> <p>19 MS. DOHNER SMITH: Objection.</p> <p>20 BY MS. COLLINS:</p> <p>21 Q And the Larry that you referred to here, was</p> <p>22 that Larry Eden?</p> <p>23 A Yes.</p> <p>24 Q Did you talk to him the same day, on</p> <p>25 August 15th, as you talked with Ms. Rosas and</p>

<p style="text-align: right;">Page 110</p> <p>1 Mr. Harville?</p> <p>2 A Yes.</p> <p>3 Q Was this in person or on the phone?</p> <p>4 A In person.</p> <p>5 Q Now, it looks like you had asked him if he</p> <p>6 had witnessed any inappropriate behavior. But do</p> <p>7 you recall specifically asking him if he had seen</p> <p>8 any employees hitting or kicking other employees, in</p> <p>9 particular hitting or kicking them in the groin?</p> <p>10 A I didn't -- no, I don't recall doing that.</p> <p>11 Q Why not?</p> <p>12 A I don't recall when I spoke to him how much</p> <p>13 I knew at that time.</p> <p>14 Q Did you circle back with him and ask him</p> <p>15 specifics like that?</p> <p>16 A I don't recall.</p> <p>17 Q But if you would have, you would have</p> <p>18 recorded it in your notes somewhere, right?</p> <p>19 A If I did, yes. I would assume it would be</p> <p>20 somewhere in the notes.</p> <p>21 Q And on the next page, there's another --</p> <p>22 there's a line there, and it says, "Scruggs, Kuli,</p> <p>23 Hall, Eden."</p> <p>24 What is the context of this? Is this an</p> <p>25 interview or are these just more notes?</p>	<p style="text-align: right;">Page 112</p> <p>1 can figure out who said what - calling the hotline,</p> <p>2 y'all can call the hotline if you want to - he gets</p> <p>3 them and knows what is on them and who calls - she</p> <p>4 thinks he is trying to get her to quit."</p> <p>5 Is that what you were talking about earlier,</p> <p>6 that she had stated that things that Tommy Whited</p> <p>7 had said to her or to other employees about calling</p> <p>8 the hotline or filling out the surveys?</p> <p>9 A Yes. Helen stated -- that's the</p> <p>10 conversation I had with Helen. Whether or not she</p> <p>11 was referencing she overheard him say that to the</p> <p>12 other employees or if this was items that he</p> <p>13 specifically said to her, these are things -- so the</p> <p>14 survey meeting before and said just remember, I can</p> <p>15 figure out who said what. She's saying that she</p> <p>16 heard that from Tommy.</p> <p>17 Q Okay. On the next page it says, "Head count</p> <p>18 for salary, people in Gallatin; vacation - no one</p> <p>19 gets to take it like they should - they are afraid</p> <p>20 to turn it in - Larry is afraid to ask for him."</p> <p>21 What is that about?</p> <p>22 A It appears it's a note that I made to myself</p> <p>23 to look into the head count for salary people in</p> <p>24 Gallatin, but I'm not sure.</p> <p>25 Q Were there complaints that people were</p>
<p style="text-align: right;">Page 111</p> <p>1 A They appear to be notes.</p> <p>2 Q Okay. Do you know what these notes are</p> <p>3 from?</p> <p>4 A Not specifically.</p> <p>5 Q And you have as one of the notes, "Kuli told</p> <p>6 Lana - that T.W." -- and that's Tommy Whited, right?</p> <p>7 A Yes.</p> <p>8 Q -- "has kicked him in the balls - he has</p> <p>9 medical condition now because of it."</p> <p>10 Would that have been information that Lana</p> <p>11 gave you or that Michael Kulakowski gave you?</p> <p>12 A Lana.</p> <p>13 Q And it also states, "Jerry Harville - kicked</p> <p>14 in the balls by T.W."</p> <p>15 Who gave you that information?</p> <p>16 A Lana.</p> <p>17 Q Okay. And going down on the e-mail chain,</p> <p>18 it looks like you e-mailed yourself on</p> <p>19 August 12th, 2016, based on conversations that you</p> <p>20 had with Johanna and Helen. Is that what you were</p> <p>21 talking about earlier when you were talking about</p> <p>22 your notes from talking to those two women?</p> <p>23 A Yes.</p> <p>24 Q Okay. And by Helen, you have here that</p> <p>25 "Survey - meeting before and said just remember, I</p>	<p style="text-align: right;">Page 113</p> <p>1 afraid to take their vacation?</p> <p>2 A Yes.</p> <p>3 Q It also says down here that "Jerry - was</p> <p>4 afraid to report his injury because he was scared</p> <p>5 Tommy would fire him."</p> <p>6 Was that Jerry Harville?</p> <p>7 A Yes.</p> <p>8 Q Would that be a violation of WestRock policy</p> <p>9 for a manager to encourage an employee not to report</p> <p>10 a workplace injury?</p> <p>11 A Yes.</p> <p>12 MS. COLLINS: Let's mark this as</p> <p>13 Exhibit Number 28.</p> <p>14 (Marked Exhibit No. 28.)</p> <p>15 BY MS. COLLINS:</p> <p>16 Q Is this an e-mail that you sent on</p> <p>17 August 29, 2016?</p> <p>18 A Yes.</p> <p>19 Q And you confirmed to Tom Pedine that Donnie</p> <p>20 had seen Tommy Whited slapping him in the nuts,</p> <p>21 kicking him in the nuts, slapping him on the back of</p> <p>22 the head?</p> <p>23 A Yes.</p> <p>24 Q And that was based on things that you found</p> <p>25 in your investigation, right?</p>

<p style="text-align: right;">Page 114</p> <p>1 A The statement?</p> <p>2 Q Yes.</p> <p>3 A Yes.</p> <p>4 Q If you could turn to Exhibit Number 9,</p> <p>5 please.</p> <p>6 (Presented Exhibit No. 9.)</p> <p>7 BY MS. COLLINS:</p> <p>8 Q Have you seen these documents before?</p> <p>9 A Yes.</p> <p>10 Q Tell me what these are.</p> <p>11 A They're notes.</p> <p>12 Q Well, where did you get them?</p> <p>13 A I don't recall who exactly sent them to me.</p> <p>14 I received them via e-mail.</p> <p>15 Q From who?</p> <p>16 A I don't remember. I don't remember who sent</p> <p>17 them.</p> <p>18 Q When did you get them?</p> <p>19 A I don't remember the date of the e-mail.</p> <p>20 Q You don't recall who sent them to you,</p> <p>21 though?</p> <p>22 A I do not.</p> <p>23 Q Was it during your investigation?</p> <p>24 A It was not.</p> <p>25 Q Was it before or after Mr. Whited was</p>	<p style="text-align: right;">Page 116</p> <p>1 Q And you agree that pursuant to WestRock's</p> <p>2 policies, they had an obligation to report that</p> <p>3 conduct?</p> <p>4 A Yes.</p> <p>5 Q And by them not reporting that conduct, the</p> <p>6 supervisors not reporting that conduct, they</p> <p>7 violated WestRock's policies, didn't they?</p> <p>8 A Yes.</p> <p>9 Q And you agree that grabbing another man in</p> <p>10 his testicles in the workplace when it's unwanted</p> <p>11 can constitute sexual harassment, right?</p> <p>12 A Yes.</p> <p>13 Q Could you turn to Exhibit Number 8 in that</p> <p>14 binder?</p> <p>15 (Presented Exhibit No. 8.)</p> <p>16 BY MS. COLLINS:</p> <p>17 Q Did you create this document?</p> <p>18 A Yes.</p> <p>19 Q Was this based on an in-person meeting you</p> <p>20 had with Michael Kulakowski or a phone call?</p> <p>21 A I honestly don't remember at this point.</p> <p>22 Q Sure. While you were conducting this</p> <p>23 investigation into Mr. Whited's behavior, Michael</p> <p>24 Kulakowski continued to work out at the plant with</p> <p>25 him, right?</p>
<p style="text-align: right;">Page 115</p> <p>1 terminated?</p> <p>2 A I received these after he was terminated.</p> <p>3 Q Do you still have the e-mail where you</p> <p>4 received copies of these?</p> <p>5 A I should.</p> <p>6 Q The e-mail that these were attached to, were</p> <p>7 they color copies or were they black-and-white</p> <p>8 copies like this?</p> <p>9 A I don't remember.</p> <p>10 Q Have you ever seen the original of these?</p> <p>11 A No.</p> <p>12 Q Do you know whose handwriting this is?</p> <p>13 A I do not recognize the handwriting.</p> <p>14 Q Can you get the e-mail that these are</p> <p>15 attached to to your attorney?</p> <p>16 A Yes.</p> <p>17 Q Now, prior to the investigation that y'all</p> <p>18 launched in August 2016, had any of Michael</p> <p>19 Kulakowski's supervisors reported that he -- that</p> <p>20 they had seen him being hit or kicked by Tommy</p> <p>21 Whited in the groin?</p> <p>22 A Not to me.</p> <p>23 Q Do you agree that they should have if they</p> <p>24 had witnessed such conduct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. DOHNER SMITH: Objection.</p> <p>2 THE WITNESS: I don't know that I could</p> <p>3 answer that accurately.</p> <p>4 BY MS. COLLINS:</p> <p>5 Q Okay. But you don't recall Mr. Whited being</p> <p>6 suspended or being placed out of work, right?</p> <p>7 A I don't remember.</p> <p>8 Q But that should be in his personnel file if</p> <p>9 he were suspended pending investigation, right?</p> <p>10 MS. DOHNER SMITH: Objection.</p> <p>11 THE WITNESS: Not necessarily.</p> <p>12 BY MS. COLLINS:</p> <p>13 Q Would it be part of the investigation file?</p> <p>14 A I don't know.</p> <p>15 Q Would it be reflected in his attendance --</p> <p>16 any sort of attendance or documents like that if he</p> <p>17 were suspended pending an investigation?</p> <p>18 A No.</p> <p>19 Q Well, if an employee were suspended pending</p> <p>20 an investigation, y'all would keep track of that</p> <p>21 somehow, wouldn't you?</p> <p>22 A Yes.</p> <p>23 Q How would you keep track of that?</p> <p>24 A In our HRIS system.</p> <p>25 Q So, the HRIS system would indicate whether</p>

<p style="text-align: right;">Page 118</p> <p>1 or not Mr. Whited was suspended pending an 2 investigation? 3 A If he was suspended without pay, yes. 4 Q If he was suspended with pay, would that be 5 reflected anywhere? 6 A Not that I have access to. 7 Q Would it be recorded anywhere that you might 8 not have access to? 9 A If he were suspended pending investigation, 10 I would not have access to that information. It 11 would be someone above me. 12 Q But as far as you know, he continued to work 13 while you were investigating these allegations? 14 A I don't remember exactly. 15 Q If you could turn to Exhibit Number 14 for 16 me, please. 17 (Presented Exhibit No. 14.) 18 BY MS. COLLINS: 19 Q Have you seen this document before? 20 A Yes. 21 Q It looks like on August 29th, Keith Hall 22 had -- had you talked to Keith Hall that day? 23 A I'm not sure when I spoke to him. 24 Q But he let you know that -- it sounds like 25 Tommy Whited was calling him, asking him what was</p>	<p style="text-align: right;">Page 120</p> <p>1 MS. COLLINS: Okay. That's all I have. 2 MS. DOHNER SMITH: Unfortunately, I 3 have a few. 4 E X A M I N A T I O N 5 BY MS. DOHNER SMITH: 6 Q Ms. Henley, just a moment ago you were asked 7 about whether or not Tommy Whited was placed on 8 suspension during the investigation or whether 9 Mr. Kulakowski had to continue to work on him. 10 Mr. Kulakowski was actually on vacation at 11 the time that the investigation took place, correct? 12 MS. COLLINS: Objection to form. 13 THE WITNESS: He was on vacation at 14 some point during the investigation, yes. 15 BY MS. DOHNER SMITH: 16 Q If you look on Exhibit 28, Tom Pedine had 17 asked you about Donnie Taylor confirming 18 Mr. Kulakowski's allegations on August 29th. And 19 Mr. Whited was terminated the very next day, 20 correct, on August 30th? 21 A According to Number 24, separation notice. 22 MS. COLLINS: I'm just going to object 23 to form, just due to the inconsistency in the date 24 beside the initial -- 25 MS. DOHNER SMITH: Well, it says at the</p>
<p style="text-align: right;">Page 119</p> <p>1 going on with this investigation, right? 2 A Yes. 3 Q You have recorded that on Saturday that 4 "Keith stated that Tommy told him that we (M.M., 5 T.P., and T.H.)" -- is that you, Melinda, and Tom 6 Pedine? 7 A Tom Pedine, Terri Henley, Melinda McGraw. 8 Q -- "had asked Tommy questions about 9 horseplay with employees and about his eating lunch 10 and breakfast with Susan." 11 Right? 12 A That is in reference to Tommy questioning 13 Keith why we were coming to Gallatin. 14 Q Okay. Is pretty much the context of what 15 you talked about with Keith recorded in your notes 16 here? 17 A Yes. 18 Q Okay. Is this part of the reason why y'all 19 had security come out to the plant? 20 MS. DOHNER SMITH: Objection. 21 THE WITNESS: Is what? 22 BY MS. COLLINS: 23 Q Any of the things that Mr. Hall reported? 24 A I don't know. I didn't make the decision 25 for security to come out.</p>	<p style="text-align: right;">Page 121</p> <p>1 top of Number 24 -- 2 (Presented Exhibit No. 24.) 3 BY MS. DOHNER SMITH: 4 Q It says last date employed, from 8/31/1970 5 to 8/30/16, correct? 6 A Yes. 7 Q And is that the date that Mr. Whited was 8 informed of his termination, on August 30, 2016? 9 A Yes. 10 Q That's the day after Mr. Pedine asked you if 11 Mr. Taylor had confirmed the allegations that Tommy 12 Whited was slapping and kicking Mr. Kulakowski, 13 correct? 14 A Yes. 15 Q Earlier you had been asked a question about 16 Jerry Harville, indicating he didn't report Tommy 17 because he thought he would lose his job. 18 Did Mr. Harville indicate that he had hit 19 Tommy back and thought he might get in trouble 20 because of that? 21 A Yes. 22 MS. COLLINS: Objection to form. 23 BY MS. DOHNER SMITH: 24 Q And when Mr. Harville is reporting that 25 Tommy Whited had apparently told Larry to tell him</p>

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1 his next step is out the door, that is something
2 that would have happened before he made that report
3 to you, correct? If he was reporting it, it had to
4 have happened before?
5 A Yes.
6 Q Jerry Harville is not a member of
7 management, correct? He's an hourly employee?
8 A Correct.
9 Q And he has no managerial authority?
10 A Correct.
11 Q Earlier you were asked if Tommy Whited shook
12 his groin and asked for sexual favors, would that be
13 a violation of the harassment policy, and you said
14 yes.
15 Did Mr. Kulakowski ever report to you that
16 Tommy Whited shook his groin and asked for sexual
17 favors from him?
18 A No.
19 Q Despite the fact that Mr. Whited denied
20 allegations that he kicked and hit employees in the
21 groin, he was terminated, correct?
22 MS. COLLINS: Objection to form.
23 THE WITNESS: Yes.
24 BY MS. DOHNER SMITH:
25 Q If you take a look at Exhibit 22, what is

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1 marked as Exhibit 22.
2 (Presented Exhibit No. 22.)
3 BY MS. DOHNER SMITH:
4 Q On the second page, you were asked questions
5 about Mr. Whited saying he had not participated in
6 horseplay under the definition. You indicated you
7 couldn't recall what the definition is.
8 Would you go ahead and read the question
9 before that?
10 A "What is your definition of horseplay?"
11 Q All right. Then he provided his definition
12 there, correct?
13 A Yes.
14 Q So is that the definition he was referring
15 to?
16 A Yes.
17 Q If you'd go ahead and grab what was marked
18 as Exhibit Number 19.
19 (Presented Exhibit No. 19.)
20 BY MS. DOHNER SMITH:
21 Q If you look at the page, at the bottom it's
22 marked as Page 228, toward the top it says, "New
23 Information: Workplace violence/horseplay - GM has
24 physically assaulted employees."
25 That referenced the allegations that were

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1 raised, correct?
2 A Yes.
3 Q Okay. Now, if you turn back to the Summary
4 of Findings and Conclusions, where it says
5 "Workplace violence/horseplay," that's the
6 allegation that was raised, correct?
7 A Yes.
8 Q And then it just says, "Violation of company
9 policy." Correct?
10 A Correct.
11 Q You didn't list out the actual policies that
12 it violated, correct?
13 A Correct.
14 Q You just noted that it was an overall
15 violation of company policy?
16 A Yes.
17 Q So it's not that you were saying that Tommy
18 Whited's conduct was not a violation of the
19 harassment policy; you just didn't list out the
20 policies.
21 A Correct.
22 Q You were asked if security was called as a
23 matter of course when a GM is let go.
24 Have you ever had another instance where a
25 general manager of one of your facilities was

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1 terminated?
2 A No.
3 Q So you don't know if that would be normal
4 course when a GM is let go?
5 A Correct.
6 Q Earlier you were asked some questions about
7 whether or not knowing about an allegation of sexual
8 harassment against Tommy Whited in 2013 had made a
9 difference, and you said no. Is that because he was
10 terminated regardless?
11 MS. COLLINS: Objection to form.
12 THE WITNESS: Would you repeat the
13 question?
14 BY MS. DOHNER SMITH:
15 Q Earlier you had said you didn't think
16 knowing of the 2013 sexual harassment complaint
17 against Tommy Whited would make a difference in this
18 situation.
19 Why wouldn't it have made a difference?
20 A Because my investigation revealed -- because
21 of my current investigation.
22 Q You would have conducted a thorough
23 investigation regardless?
24 A Yes.
25 Q And as a result of your investigation,

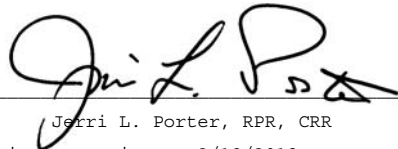
<p style="text-align: right;">Page 126</p> <p>1 Mr. Whited was let go?</p> <p>2 A Yes.</p> <p>3 Q If you could grab for us, I think it was</p> <p>4 Number 4.</p> <p>5 (Presented Exhibit No. 4.)</p> <p>6 BY MS. DOHNER SMITH:</p> <p>7 Q If you turn to Page 7, you were asked about</p> <p>8 the complaints hotline not saying anything specific</p> <p>9 about harassment. But it does say, "Complaints</p> <p>10 about suspected violations by any RockTenn</p> <p>11 employee...of any law or of any RockTenn code of</p> <p>12 business conduct and ethics."</p> <p>13 A Yes.</p> <p>14 Q So it basically covers anything.</p> <p>15 A Yes.</p> <p>16 Q Okay. And if you turn to Pages 11 and 12 of</p> <p>17 the harassment policy, throughout here it actually</p> <p>18 says, call the compliance hotline, correct?</p> <p>19 A Yes.</p> <p>20 Q It actually says it a number of times?</p> <p>21 A Yes.</p> <p>22 Q Okay. Now, in the policy, it says if a</p> <p>23 manager is involved, harassment should be reported</p> <p>24 to local HR.</p> <p>25 Prior to August of 2016, did Michael</p>	<p style="text-align: right;">Page 128</p> <p>1 managerial level position?</p> <p>2 A No.</p> <p>3 Q Earlier you had been asked about a manager</p> <p>4 showing his private parts to a subordinate and you</p> <p>5 said, no, it wouldn't necessarily be sexual</p> <p>6 harassment.</p> <p>7 It would have to depend on the</p> <p>8 circumstances, correct?</p> <p>9 MS. COLLINS: Objection to form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. DOHNER SMITH:</p> <p>12 Q For example, if they were in a consensual</p> <p>13 sexual relationship, it wouldn't amount to sexual</p> <p>14 harassment?</p> <p>15 A Correct.</p> <p>16 Q WestRock doesn't consider it to be a term or</p> <p>17 condition of employment to be hit or kicked in the</p> <p>18 groin, does it?</p> <p>19 MS. COLLINS: Objection to form.</p> <p>20 BY MS. DOHNER SMITH:</p> <p>21 Q Have you ever heard anyone in WestRock upper</p> <p>22 management say, in order to work here, you have to</p> <p>23 be hit or kicked in the groin?</p> <p>24 A No.</p> <p>25 Q In fact, that type of conduct is prohibited,</p>
<p style="text-align: right;">Page 127</p> <p>1 Kulakowski ever report anything to you indicating he</p> <p>2 had been sexually harassed?</p> <p>3 A He did not.</p> <p>4 Q When Mr. Kulakowski met with you and talked</p> <p>5 with you in August of 2016, did he ever tell you he</p> <p>6 had been sexually harassed?</p> <p>7 MS. COLLINS: Objection to form.</p> <p>8 BY MS. DOHNER SMITH:</p> <p>9 Q Did he use those words?</p> <p>10 A I don't recall.</p> <p>11 Q If that had been something he had said,</p> <p>12 would you have put it in your notes?</p> <p>13 A Yes.</p> <p>14 MS. COLLINS: Objection to form.</p> <p>15 BY MS. DOHNER SMITH:</p> <p>16 Q Earlier you answered a question that Michael</p> <p>17 Kulakowski told you he had -- or that Michael</p> <p>18 Kulakowski had reported to you that on numerous</p> <p>19 occasions, he had been hit or kicked and it had been</p> <p>20 witnessed by managers.</p> <p>21 Was he saying he had reported that on</p> <p>22 numerous occasions or that it had happened on</p> <p>23 numerous occasions?</p> <p>24 A It had happened on numerous occasions.</p> <p>25 Q Is the safety coordinator position a</p>	<p style="text-align: right;">Page 129</p> <p>1 correct?</p> <p>2 A Yes.</p> <p>3 Q Earlier you had been asked if hitting</p> <p>4 another employee in the groin is conduct of a sexual</p> <p>5 nature.</p> <p>6 Would that depend on the circumstances as</p> <p>7 well?</p> <p>8 A Yes.</p> <p>9 MS. COLLINS: Objection to form.</p> <p>10 BY MS. DOHNER SMITH:</p> <p>11 Q For example, two guys joking around with</p> <p>12 each other, kind of locker room, smacking each other</p> <p>13 with a towel type of thing, that wouldn't</p> <p>14 necessarily be sexual in nature, would it?</p> <p>15 MS. COLLINS: Objection to form.</p> <p>16 THE WITNESS: Not necessarily.</p> <p>17 MS. DOHNER SMITH: I think that's it.</p> <p>18 FURTHER DEPONENT SAITH NOT.</p> <p>19 (Proceedings concluded at 3:10 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

REPORTER'S CERTIFICATE

I, Jerri L. Porter, RPR, CRR, Notary
Public and Court Reporter, do hereby certify that I
recorded to the best of my skill and ability by
machine shorthand all the proceedings in the
foregoing transcript, and that said transcript is a
true, accurate, and complete transcript to the best
of my ability.

I further certify that I am not an
attorney or counsel of any of the parties, nor a
relative or employee of any attorney or counsel
connected with the action, nor financially
interested in the action.

SIGNED this 27th day of November, 2017.



Jerri L. Porter, RPR, CRR

My Notary commission expires: 2/19/2018

Tennessee LCR No. 335

Expires: 6/30/2018

E R R A T A

I, TERRI HENLEY, having read the foregoing
deposition, Pages 1 through 129, taken
November 15, 2017, do hereby certify said
testimony is a true and accurate transcript,
with the following changes, if any:

PAGE	LINE	SHOULD HAVE BEEN
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TERRI HENLEY

Notary Public

My commission expires: _____